

IN THE SUPREME COURT OF THE STATE OF NEVADA

Docket No. 72988

KENNETH FRANKS
Appellant,

Electronically Filed
Nov 14 2017 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA
Appellee.

Appeal from a Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Carolyn Ellsworth, District Judge

APPELLANT'S APPENDIX, VOLUME 1

Lisa A. Rasmussen, Esq.
Nevada Bar # 7491
Jim Hoffman
Nevada Bar # 13896
Law Office of Lisa Rasmussen
601 S. 10th Street, Ste. 100
Las Vegas, NV 89101
Tel. (702) 471-1436
Fax. (702) 489-6619
Email: Lisa@lasmussenlaw.com
Email: Jim@RasmussenLaw.onmicrosoft.com
Attorneys for Appellant

Steven B. Wolfson
Clark County District Atty.
Nevada Bar #001565
Steven S. Owens
Chief Deputy District Atty.
Nevada Bar #4352
Regional Justice Center
200 Lewis Avenue
P.O. Box 552212
Las Vegas, NV 89155-2212
(702) 671-2750
Attorneys for Appellee

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Exhibit 1

Exhibit 1

1 JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 KENNETH FRANKS #7762538,

7 Defendant.

CASE NO: 15FN1674X

DEPT NO:

8 CRIMINAL COMPLAINT

9 The Defendant above named having committed the crime of LEWDNESS WITH A
10 CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), in the
11 manner following, to-wit: That the said Defendant, on or between June 1, 2015 and June 30,
12 2015, at and within the County of Clark, State of Nevada, did willfully, lewdly, unlawfully,
13 and feloniously commit a lewd or lascivious act upon or with the body, or any part or member
14 thereof, of a child, to-wit: A.F, a child under the age of fourteen years, by touching the genital
15 area of the said A.F., with the intent of arousing, appealing to, or gratifying the lust, passions,
16 or sexual desires of defendant, or A.F.

17 All of which is contrary to the form, force and effect of Statutes in such cases made and
18 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
19 this declaration subject to the penalty of perjury.

20
21
22 09/18/15

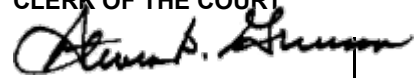
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27 15FN1674X/mah
28 NLVPD EV# 1514754
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Exhibit 2

Exhibit 2



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-15-311519-1
	.	
Plaintiffs,	.	DEPT. NO. V
	.	
vs.	.	TRANSCRIPT OF
	.	PROCEEDINGS
KENNETH FRANKS,	.	
	.	
Defendant.	.	
.	

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

JURY TRIAL - DAY 5

FRIDAY, DECEMBER 2, 2016

FOR THE STATE:	JENNIFER M. CLEMONS, ESQ. ROBERT STEPHENS, ESQ. <i>Chief Deputy District Attorneys</i>
FOR THE DEFENDANT:	BENSON LEE, ESQ.

<u>COURT RECORDER:</u>	<u>TRANSCRIPTION BY:</u>
LARA CORCORAN District Court	VERBATIM DIGITAL REPORTING, LLC Englewood, CO 80110 (303) 798-0890

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

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1 LAS VEGAS, NEVADA, FRIDAY, DECEMBER 2, 2016, 9:07 A.M.

2 (Outside the presence of the jury)

3 THE COURT: All right. We're on the record in
4 State of Nevada versus Kenneth Franks. Case No. C-311519.
5 We're outside the presence of the jury. The defendant is
6 present with his counsel. The Chief Deputies District
7 Attorney prosecuting the case are present, as are all
8 officers of the court.

9 So last night after we recessed and the Marshal was
10 giving the jurors their badges and all that stuff, and Juror
11 No. 4, Jesus Caturay, told the Marshal that he -- I'm not
12 sure at what point this occurred, but at some point during
13 jury selection process, he did not understand what the word
14 "lewdness" meant so he decided to look it in the dictionary.

15 MS. CLEMONS: Yay.

16 THE COURT: So, of course, disregarding the
17 instructions I give them every single time multiple times.
18 So we're going to need to bring him in here, find out why he
19 did that, if it's going to make any difference, you know, as
20 far as -- I mean, who knows what that will -- definition he
21 found said. And I got to explain to him, obviously, that
22 it's defined by law and there's specific elements, and hasn't
23 learned what those are yet. And so any comments by counsel?

24 MR. LEE: None, Your Honor.

25 THE COURT: Okay. So Marshal, let's bring Jesus

1 Caturay in.

2 THE MARSHAL: Would you like him over there, ma'am?

3 THE COURT: Yeah.

4 THE MARSHAL: Okay.

5 (Pause in the proceedings)

6 (Juror No. 4 is present)

7 THE COURT: All right. Good morning, Mr. Caturay.

8 JUROR NO. 4: Good morning.

9 THE COURT: Yesterday evening the Marshal indicated
10 to me that you had told him after we were done with court
11 that you had looked something up in the dictionary about this
12 case, despite my requests and orders to the jury that you not
13 do any investigation whatsoever about anything about the
14 case.

15 So my understanding from what the Marshal told me
16 was that you looked up the word "lewdness"; is that --

17 JUROR NO. 4: Yes.

18 THE COURT: -- correct?

19 JUROR NO. 4: Yes.

20 THE COURT: And why did you do that?

21 JUROR NO. 4: Because during the question when you
22 were choosing the juror -- prospective juror, I -- there were
23 some people that were talking about sexual assault and sexual
24 abuse, and my impression of what lewdness is, is exposing.

25 THE COURT: All right. So okay.

1 JUROR NO. 4: And therefore, I was not really sure
2 what lewdness means so I look it up.

3 THE COURT: Okay.

4 JUROR NO. 4: And when --

5 THE COURT: Do you remember me telling you not to
6 do that?

7 JUROR NO. 4: Yes.

8 THE COURT: My impression was there was a
9 prospective juror that was -- that mentioned that he, I
10 think, thought he had seen this -- an article or read an
11 article from the Review Journal so that stayed on my mind.
12 And then later on, on that day, you mentioned something to
13 the fact that we're not supposed to search -- or research
14 anything on this case.

15 JUROR NO. 4: My impression was that the search is
16 regarding this particular case. Like in other words --

17 THE COURT: Anything, anything.

18 JUROR NO. 4: -- this article.

19 THE COURT: Anything I said -- I said anything --
20 you're not to do any investigation, research about anything
21 having to do with the case, the charges, anything. You know,
22 you're not -- I am going to give you instructions on the law,
23 which will include the definition of lewdness with a minor
24 under 14, which is the charge in this case. It's going to be
25 very specific and there are certain elements that State has

1 at that prove and that comes at the end of the case, and
2 that's where you get that. So --

3 JUROR NO. 4: My apologies, Your Honor.

4 THE COURT: -- are you going to be able to now set
5 that aside because I have no idea what it was you read? I
6 mean, yes, there are some common definitions, but did you
7 look up the word in a dictionary or what did you do?

8 JUROR NO. 4: I -- I just put it on Google, and
9 then it -- it came out like a dictionary where -- where you
10 get the word and then you get number one, this is what it
11 says, number two, this is what it says.

12 THE COURT: Okay.

13 JUROR NO. 4: And then I only look at a few words
14 in that, and then I -- I quit.

15 THE COURT: All right.

16 JUROR NO. 4: So I probably didn't spend more than
17 10, 15 seconds.

18 THE COURT: All right. So you understand again,
19 that you won't do anything like that --

20 JUROR NO. 4: Yes, I do --

21 THE COURT: -- in the future?

22 JUROR NO. 4: -- Your Honor.

23 THE COURT: All the -- okay. Because all --

24 JUROR NO. 4: My apologies to you and to the court.

25 THE COURT: All the definitions that you'll get in

1 this case will come from the Court in the jury instructions.
2 It's really important that because a common understanding may
3 not be what the law is, and so it's really important that you
4 not do exactly what you did, and that's --

5 JUROR NO. 4: I'll set -- yeah, I'll set it aside,
6 Your Honor.

7 THE COURT: Okay. And what was your -- what do you
8 remember of what you read about that definition?

9 JUROR NO. 4: It's touching, like touching a minor,
10 and that's basically what I did because I figured out that I
11 might be learning more about it as the -- as the trial goes
12 on.

13 THE COURT: All right. Would the State like to ask
14 any questions?

15 MS. CLEMONS: No, I don't have any questions.

16 THE COURT: Mr. Lee, would you like to ask any
17 questions?

18 MR. LEE: Yes. Could you -- when you say touching
19 a minor, could you be more specific about that? I mean, if I
20 touch you on the arm, can you explain what --

21 THE COURT: Okay, no, no, no.

22 MR. LEE: -- you read?

23 THE COURT: Again, we're going to be telling you
24 what is required to meet the definition for the purpose of
25 the charge in here. So I just need to know whether you can

1 listen to that and set it aside anything that you've read?

2 JUROR NO. 4: Yes.

3 THE COURT: So I don't really want him to go
4 into --

5 MR. LEE: Okay. Sure.

6 THE COURT: -- all of that because it doesn't
7 matter what he thought there.

8 MR. LEE: I understand, Your Honor.

9 THE COURT: As long as he can set that aside
10 because what you read is not complete. You understand that?

11 JUROR NO. 4: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. LEE: Thank you.

14 JUROR NO. 4: I can set it aside and I can start
15 listening to your instructions.

16 THE COURT: Okay. And will you be able to follow
17 the instructions on the law, even if you disagree that, you
18 know, you think the law should be something else --

19 JUROR NO. 4: Yes, I can follow instructions.

20 THE COURT: -- can you still follow? All right.

21 MR. LEE: Okay. No. No further questions.

22 THE COURT: Are you satisfied with that?

23 MR. LEE: Right, um-h'm.

24 THE COURT: Okay. All right. Thank you. You'll
25 rejoin the jury and then we're going to line them up and

1 bring them in.

2 JUROR NO. 4: My -- again, my apologies to the
3 Court.

4 THE COURT: All right. Thank you.

5 (Juror No. 4 is not present)

6 THE MARSHAL: Bring them straight in right now,
7 ma'am?

8 THE COURT: Yes.

9 THE MARSHAL: Okay.

10 (Pause in the proceedings)

11 THE MARSHAL: All rise for the jury, please.

12 (In the presence of the jury)

13 THE MARSHAL: Your Honor, all members of the jury
14 as well as the two alternates are present.

15 THE COURT: Thank you. Please be seated. And the
16 record will reflect the presence of all 12 members of the
17 jury as well as the two alternates. The defendant is present
18 with his counsel. The Chief Deputies District Attorney
19 prosecuting the case are present, as are all officers of the
20 court. Good morning, ladies and gentlemen. How are you
21 doing? Good to see you in the morning instead of just the
22 afternoon.

23 So ladies and gentlemen, of course, we swore you in
24 yesterday, and the first thing I have to do is read to you a
25 statutory admonition that's required by statute because it

1 uses -- it's some kind of antiquated language. I'll explain
2 what it means to you after I read it.

3 So no juror may declare to his fellow jurors any
4 fact relating to the case as of his own knowledge and if any
5 juror discovers during the trial or after the jury has
6 retired that he or any other juror has personal knowledge of
7 any fact in controversy in the case, he shall disclose such
8 situation to the Judge out of the presence of the other
9 jurors.

10 So what does that really mean to you in a practical
11 sense? Well, it means that we asked you during the voir dire
12 process if you thought you knew anything about the case, and
13 everybody replied, you know, that they did not. No one knew
14 anything about the case beforehand.

15 Sometimes, during a trial, it becomes evident that
16 a juror does know something about the case or about -- they
17 know a witness because of something unforeseen. So I'll give
18 you an example. I had a case one time where it was the same
19 as you had, the witnesses were read, the names were read to
20 the jury and nobody thought they knew any of the witnesses.

21 Well, then a witness took the stand and one of the
22 jurors realized he knew this man because he had met him in
23 church, and the man went by a nickname, "Red". You know,
24 that was how he knew him. That was not, of course, his legal
25 name so that was not read out. He didn't know the guy's last

1 name. So he had no idea beforehand that he knew the witness.

2 So as soon as he learned that, he disclosed that to
3 us, and we were able to handle it outside the presence of the
4 other jurors and figure out whether it was going to make a
5 difference in his ability to be fair and impartial in the
6 case.

7 So sometimes those kinds of things happen. Now,
8 another example. So, I have consistently admonished you
9 throughout the selection process and I will continue to do it
10 that you're not to do any research, investigation. You're
11 not to look anything up on the Internet in any research
12 books, in any dictionaries, nothing. Everything that you
13 learn in this case you got to learn here in the courtroom.
14 So for instance, if you don't understand a word or something
15 during the testimony, you're going to be able to ask
16 questions through the Court. You're going to have to write
17 the questions down and I'll talk to you about that. But if
18 you're concerned that you don't understand something, you
19 need to raise your hand and say, you know, I don't understand
20 -- I couldn't hear, I can't understand, or what have you,
21 something like that. So we can address that. We want you to
22 be able to understand and hear everything.

23 But we're not mind readers, so we need to know.
24 Okay. But if one of the jurors goes out and does something,
25 investigates the case in some way, finds something out and

1 then tries to tell you about it either on a break, while the
2 case is still going on or while you're deliberating, somebody
3 comes in and says oh, I've been researching at home and I
4 know blah, blah, blah, you need to stop that immediately and
5 don't listen to him, stop it, immediately report it to the
6 Marshal, and we'll handle that.

7 And I had that happen in another trial where a man
8 on the jury decided that he was going to research all of the
9 people involved in the trial, including the lawyers and the
10 Judge. And he came -- he was frankly, I think, a little
11 mentally unstable as it turned out, but he did this and he
12 tried during deliberations to tell the jury some kind of wild
13 story about how I was instructing them improperly on the law
14 because he had researched all the law.

15 And so the jury did exactly what this instruction
16 told them to do, which was stop, do not say one word. They
17 put him out in a corner, got the Marshal, and we were able to
18 handle that and so that's what we're talking about. So if
19 you, at any point, any problem like that happens, you're to
20 always your contact for anything where you need to get it to
21 me, is the Marshal.

22 Now, that doesn't mean you're allowed to discuss
23 the case with the Marshal. You're not allowed to discuss the
24 case with the Marshal either. You can't talk to anybody
25 about this case during the trial or even during deliberation

1 except each other. You know, during deliberation, you may,
2 after the case has been given to you, of course, that's your
3 job, you're going to deliberate with each other, but during
4 your deliberations you don't tell anybody what you're talking
5 about, including the Marshal. Okay.

6 So the Marshal can talk to you about other things
7 like you could complain to him about it's cold in the
8 courtroom. Not that he could do anything about that. Those
9 what look like thermostats, I am not sure that they're
10 connected to anything here. They may just give us a false
11 sense of wellbeing. You just need to dress in layers because
12 we never know what the temperature might be in the
13 courthouse. At least it's not 112 outside and so we know it
14 won't be hot probably.

15 But there's airflow always, and if the air handlers
16 go down, it might get a little warm or stuffy. I'm not
17 expecting that, but just dress prepared so you've got kind of
18 layers. And if you get warm, you can take a layer off. But
19 if you're cold, could put a jacket or something on. Because
20 I have not yet been able to complete my knitting project for
21 knitting all of the Afghans for jurors. All right.

22 So now I'm going to take a little time to give you
23 some kind of pre-instructions about what we're going to be
24 doing, how the trial's going to progress for those of you who
25 have never had any jury service, it will be important to you.

1 As well, you're going to be hearing the charging document
2 actually read to you.

3 So this is a criminal case. It's brought by the
4 State of Nevada against the defendant, and it's based upon a
5 charging document, either an Indictment or an Information.
6 So this -- the Clerk is now going to read to you the actual
7 charging document and state the plea that was entered to that
8 charging document by the defendant.

9 (CLERK READS THE INFORMATION)

10 THE COURT: Thank you. So ladies and gentlemen,
11 you should understand that this charging document is not
12 evidence. It is just simply a description of the charge
13 that's being made by the State against the defendant, and it
14 doesn't prove anything. So, the State has the burden of
15 proving the case, proving the allegations beyond a reasonable
16 doubt. The defendant has pled not guilty, and he's presumed
17 to be innocent.

18 This is a criminal case so there's two basic rules
19 that you must keep in mind. First, the defendant is presumed
20 innocent unless and until proved guilty beyond a reasonable
21 doubt, and he's not required to provide any evidence, present
22 any evidence, call any witness or prove his innocence. The
23 law never imposes upon a defendant in a criminal case the
24 burden of calling any witnesses or introducing any evidence.

25 Second, in order to convict, the State must prove

1 beyond a reasonable doubt that the crime was committed and
2 that the defendant is the person who committed the crime.
3 Now, it's going to be your duty to decide from the evidence
4 presented whether the defendant is guilty or not guilty.
5 Now, you are the sole Judges of the facts. You're going to
6 decide what the facts are from the evidence that's going to
7 be presented here in court.

8 The evidence will consist of testimony of witnesses
9 and documents and other things that may be received into
10 evidence in the case. And then you must apply the facts as
11 you determine them to be to the law that I will give you, and
12 in that way reach your verdict.

13 It's important that you perform your duty of
14 determining the facts carefully, conscientiously, and
15 diligently because normally, there's not any way for us to
16 correct an erroneous or mistaken finding of fact by the jury.
17 Now, you should not take anything that I may say or do during
18 the trial as indicating my opinion as to how you should
19 decide the case.

20 I don't want to influence you in any way your
21 determination of the facts of the case. That's your job.
22 And I don't have an opinion on the guilt or innocence of the
23 defendant. That is for you to determine. You determine the
24 facts, apply it to the law, and make your determination.
25 Occasionally, I might ask a question of a witness. If I do

1 that, again, it's not because I have an opinion one way or
2 the other in this case. It's to bring out something that
3 should be brought out or to clarify something. And
4 occasionally, I might do that. Sometimes there are exhibits
5 in cases at criminal trials where, for instance, there's a
6 map or something, and it's unclear what direction things are
7 happening in, and I'm a little directionally challenged so I
8 might ask for clarification about that.

9 Or if a lawyer uses jargon in the questioning. An
10 example being sometimes the lawyers have said -- asked a
11 question and referred to a six-pack, which to me means beer
12 or a pack of soda, but that's not what they're talking about
13 because they're using some kind of colloquial jargon, and
14 then I'll ask for clarification about that, and people do
15 that from time to time, and because they're used to dealing
16 with certain terms, and so I'll clarify something like that.

17 But otherwise, you'll have the opportunity to ask
18 questions in this case. Now, how would you do that? Well,
19 at the end of a witness's testimony, if you have a question,
20 then you write the question out on your notepad that you're
21 going to be provided. Do you have your note pads already?
22 Okay. So you can write the question out and you'll hand it
23 to the Marshal, he'll bring it to me, I'll meet with the
24 lawyers, and we'll decide whether the question is a proper
25 question allowed under the law, whether it can be asked at

1 all, or whether it needs to be reframed or clarified somehow.
2 And then once we do that, if it is an appropriate question,
3 I'll ask it of the witness and I may have to rephrase it or
4 something. But that's -- that would be your opportunity.

5 Now, as this has not been common practice for the
6 nearly 40 years that I've been practicing law, I sometimes
7 forget. So don't let me. If you want to ask a question, put
8 your hand up and wave it around and the Marshal or the
9 lawyers will know. So -- okay? So if I -- if everybody --
10 the lawyers are all finished with their questioning and I say
11 may this witness be excused, and I haven't asked you yet, do
12 not feel shy about saying Judge, Judge, we have a question,
13 okay? That will not hurt my feelings in the least. All
14 right? Thank you very much for that.

15 And so in deciding the facts of the case, you're
16 going to have to decide which witnesses to believe, and which
17 witnesses not to believe. You may believe everything a
18 witness says or part of it or none of it. Now, in
19 considering the weight or the value of the testimony of any
20 witness, then you must consider many things, right? The
21 appearance, attitude, behavior of the witness while they're
22 testifying, and a number of other things as well, including
23 the witness's ability to see and hear the things about which
24 they're testifying, the quality of the witness's memory, the
25 inclination of the witness to speak truthfully, whether the

1 witness has any interest in the outcome of the trial or any
2 motive, bias or prejudice. Also, whether the witness is
3 contradicted by anything that the witness might have said or
4 written before the trial, and how reasonable is the witness's
5 testimony when it's compared with other evidence that you do
6 believe?

7 Now, in determining whether or not to believe a
8 witness, please keep in mind that people do sometimes forget
9 things, and you need to consider whether a contradiction is
10 an innocent lapse of memory or an intentional falsehood, and
11 that might depend on whether it has to do with an important
12 fact or merely a small detail.

13 The weight or value of the evidence doesn't
14 necessarily depend on the number of witnesses called by one
15 side or the other. As I've told you, the defense doesn't
16 have to call any witnesses. The State has the burden of
17 proof in the case. And so you may decide that the value of
18 the evidence by the State, even though they may have called
19 more witnesses than the defense or the defense has called
20 none, you may decide that it's still not sufficient. It's
21 really up to you to decide how much weight or value to give
22 to any witness testimony.

23 Now, there are two kinds of evidence, direct and
24 circumstantial. So you might have heard on television
25 something about well, this is only a circumstantial case, as

1 if that is lesser evidence. And that is not true. So again,
2 television, bad, bad thing to think about when you're
3 thinking about a case here. Because direct evidence is the
4 testimony -- is testimony about what a witness personally
5 saw, heard or did concerning -- as far as the crime that is
6 charged.

7 So an eyewitness that sees the crime committed,
8 that -- and testifies. That is direct evidence. Now,
9 circumstantial evidence is proof of and evidence of one or
10 more facts from which you can infer another fact. Okay. So
11 let me give you an example. So today you might have gotten
12 up in the morning and looked out your window, out on to the
13 front of your house and seen that the streets appeared to be
14 wet, all wet. You noticed that there was water dripping from
15 the eaves of your house. You might walk out then onto your
16 porch and look down the street both ways and see that as far
17 as you can see the streets appear to be wet, and in fact,
18 that there's water running down the gutters in the street.
19 And from that, those facts that you're observing with your
20 eyes, you may infer that it rained during the night. Okay.
21 So that's circumstantial evidence that it rained during the
22 night.

23 What direct evidence, how would that be? Well, if
24 you were awakened during the night by the sound of what
25 sounded to you like rain on the roof and then you decided

1 okay, I'm going to go investigate further because this is the
2 Mojave desert and we don't get rain much, so I'm going to go
3 out and make sure that I don't have a sprinkler that's
4 busted. So I go out and I look, and sure enough, the clouds
5 are in the sky, I can see the clouds clearly. There's rain
6 falling. I can see the rain falling, I can feel it on my
7 face, I can feel it on my hands. That's direct evidence that
8 it rained. All right. So that's the difference between
9 direct and circumstantial evidence. And there are -- there's
10 lots of circumstantial evidence.

11 Fingerprints are circumstantial evidence. DNA is
12 circumstantial evidence. Okay? So the law gives equal
13 weight to both kinds of evidence. In other words, both in
14 the eyes of the law have equal value or weight. You
15 determine how much weight to give to any type of evidence,
16 but the law doesn't distinguish between direct and
17 circumstantial evidence.

18 So you may consider both direct and circumstantial
19 evidence in deciding the case because the law permits you to
20 give equal weight and value to both. Again, it's for you to
21 decide how much consideration to give to any evidence. Now,
22 there are certain things that are absolutely not evidence and
23 you must not consider them as evidence in deciding the facts
24 of the case.

25 So statements and arguments of the lawyers; not

1 evidence. Any questions and objections of the attorneys,
2 those aren't -- that's not evidence either. Any testimony I
3 instruct you to disregard, and anything that you might see or
4 hear outside the courtroom, even if what you see outside the
5 courtroom is done or said by someone involved in the case,
6 that's not evidence either.

7 Now, if you did see something outside the courtroom
8 or heard something outside the courtroom while court's not in
9 session like that, you need to report that to me via the
10 Marshal. Now, when I said questions and objections of the
11 lawyers, that's not evidence, that's because a question is --
12 only gives meaning to the answer. The answer, that's
13 evidence. Okay?

14 So just the question alone, if either it's not
15 answered, or if I sustain an objection to a question, then
16 you're to disregard it because remember, a question alone is
17 not evidence. Now, there are rules of evidence, and those
18 rules dictate what can be received into evidence and what
19 cannot.

20 So when a lawyer asks a question or offers an
21 exhibit and the other side objects to either the question or
22 the exhibit being admitted into evidence, then, you know, the
23 objection is going to be posed because the lawyer that's
24 posing the objection feels it should not come into evidence.
25 So that the question is either improper in some way or that

1 the evidence that it's seeking to get into evidence is
2 improper.

3 If an objection is made, then I'm going to rule on
4 the objection. If I sustain the objection, then the question
5 can't be answered where the piece of evidence that's being
6 offered cannot be received. And you're to disregard the
7 question that's asked.

8 Now, sometimes in a trial that's very fluid and
9 questions are being asked and answers are be given quickly.
10 And sometimes a question is asked, there is an objection, but
11 the witness nonetheless answers the question because this is
12 happening quickly. And if that happens, then the lawyer who
13 made the objection may, if he or she wishes to, ask that the
14 answer that was given be stricken. They do that by a motion
15 to strike.

16 If they do that because they don't want the answer
17 to be received into evidence, then I would -- if I have
18 sustained the objection, I would grant such a motion.
19 However, if they don't want to move to strike because they're
20 happy with that answer, then you'll be allow today consider
21 it. Okay. So only if I tell you to disregard something
22 because I have granted a motion to strike, do you need to
23 disregard it. However, if the answer has not been given and
24 I sustain the objection, you're to disregard the question,
25 don't try and speculate about what the answer might have

1 been, okay? A question, again, is not evidence.

2 Now, it's a duty of a lawyer to object to evidence
3 or questions that are posed if they think it violates the
4 rules. So you should not hold it against a lawyer that
5 they're making objections. Yes, it may slow down the process
6 because objections are made. But you should not hold it
7 against the lawyer or the party that that lawyer's
8 representing, because that's their job. And so occasionally,
9 I might to admonish a lawyer or remind them about rules of
10 court or rules of evidence. That happens from time to time.
11 And again, you should not hold that against the lawyer or
12 against the party that the lawyer represents in any way
13 because that's my job, and I have to make sure that the rules
14 are followed and be that there is a fair trial process.

15 You're not to concern yourself during this trial in
16 any way with the sentence that the defendant might receive if
17 you should find the defendant guilty because your function is
18 to decide whether the defendant is guilty or not guilty of
19 the charge. Now, if and only if you find the defendant
20 guilty, then it becomes the duty of the Court to pronounce
21 the sentence. So you're not to concern yourself of that in
22 any way or discuss it in any way.

23 Now, at the end of the trial, you're going to have
24 to make up your mind about this case based upon what you
25 recall of the evidence. You're not going to have a written

1 transcript of what was said in court. And it is time
2 consuming for us to have play backs of the audio/visual
3 recordings that are made, and so I urge you to please pay
4 close attention while the testimony is being given so that we
5 don't have to replay the trial.

6 As I said, you have the ability to take notes while
7 you're listening to testimony, but I would caution you please
8 don't let note taking distract you from listening because
9 sometimes we find that we're taking a note about something we
10 thought was particularly interesting, but they're not
11 stopping while you take that note. They're continuing to ask
12 questions. And if you miss the next five questions and the
13 answers to that, you may miss a very essential and important
14 part of the trial. So be judicious about what notes you're
15 taking. Keep them short, something that's just going to
16 remind you so that later you can expand your note, if you
17 want to. But please don't be distracted by too much note
18 taking.

19 Now, if you are taking notes and I say to you, that
20 last answer is stricken, you shall disregard it, then please,
21 if you've taken a note about that, then physically cross it
22 out in your note pad so you don't go back during deliberation
23 in your notes and consider that as part of the evidence
24 because you're not allowed to do that.

25 Please don't be overly influenced by the notes of

1 other jurors and rely on your own memory of what occurred.
2 Now, until the case is finally submitted to you, don't talk
3 to each other about it or anyone else who has anything to do
4 with it until the end of the case when you go to the jury
5 room to decide your verdict. Don't talk to anyone else about
6 the case or anyone who has anything to do with it until
7 you've been discharged as jurors.

8 So what does that mean, anyone else? Well, anyone
9 else is going to include your family and friends who are
10 going to be very interested in the fact that you're on this
11 jury. And they're going to want to talk to you about it.
12 And you got to tell them, nope, nope, I can't talk to you
13 about this case at all. I don't want to discuss it with you
14 in any way until after the trial's over and then I'll be
15 happy to talk to you about it after the Judge has said it's
16 okay for me to talk to you.

17 And that means anyone who approaches you, whether
18 it's family, friends, associates or a stranger. The reason
19 for that is simple; you need to make your decision based upon
20 what you hear in the courtroom. Sometimes people are your
21 friends would have not be suitable. They would have been
22 excluded for cause from the jury if they'd been in here and
23 gone through the process that you did because they have an
24 agenda or a bias. And they might want to convince you of
25 that, of their view of the justice system or their view of

1 these kinds of charges, and that's why you can't talk to
2 anybody about it because they might try and I happen
3 influence you. So, please don't do.

4 Again, don't do any research, make any
5 investigations on your own, don't visit any of the
6 neighborhoods or areas that might be discussed during the
7 trial. Obviously, this is Las Vegas. You know how things
8 change very quickly here. You might drive through a
9 neighborhood that you were in three months ago, and now
10 buildings have been torn down, things don't look the same,
11 things are always changing, so you might get an erroneous
12 impression of something if you did that.

13 Any type of visit to any scene would be done as a
14 group in a supervised situation. I don't anticipate that in
15 this case. But if there was that situation, it would be
16 official, you would go there supervised with the Court as a
17 group. Don't consult any kind of research materials,
18 dictionaries, law books, research, don't do that on the
19 Internet. Don't do that on your smart phone. It's really
20 easy for us to Google everything these days. But remember,
21 it's now come out recently that all kinds of false news
22 stories were posted on the Internet during our last election.
23 And so don't believe -- the old saying was don't believe
24 everything you read in the newspaper. Well the same is of
25 don't believe everything you read on the Internet. So that's

1 why you need to stay away from it. Don't try and do any kind
2 of research in this case.

3 Now -- okay. Don't make up your mind about the
4 verdict because it's really important that you keep an open
5 mind until you've heard everything in the case until the case
6 is finally submitted to you at the end. That's really
7 important that you keep an open mind throughout the trial.

8 Now, the trial's going to proceed in the following
9 manner: The chief deputy district attorneys, one of them may
10 -- I anticipate will make an opening statement. And what's
11 an opening statement? Well, an opening statement is an
12 outline of what the State expects to prove in its case. It's
13 kind of like a jigsaw puzzle or working on a jigsaw puzzle.
14 Evidence comes in, in a trial in pieces, and then at the end,
15 the hope is that you're going to have a complete puzzle
16 that's put together and you can see the picture on it, right?

17 And so one of the things that some people like to
18 do when they're doing jigsaw puzzles is look at the front of
19 the box that has the picture of it, what it's supposed to
20 look like when it's done. That's kind of what an opening
21 statement is like. It gives you that overall picture of what
22 the State expects to prove in their case. And that's the
23 purpose of it. It's not argument. Argument is done at the
24 end of the trial when the parties are allowed to summarize
25 what the evidence has been to you and argue how that applies

1 to the law in the case.

2 Now, after the State has presented their opening
3 statement, then the defense may, but doesn't have to, at that
4 time, make an opening statement as well. And they can either
5 make an opening statement at that time or reserve their
6 opening statement until later after the close of the evidence
7 after the State's case has been presented. Or they may
8 choose to make the opening statement immediately after
9 State's. It's up to Counsel.

10 After the opening has been done by State and
11 assuming the defense either reserves or waives, then the
12 State will present its evidence. They'll call the witnesses
13 and we'll go through those witnesses. A witness will be
14 called to the stand, the State will examine that witness on
15 direct, then the defense may cross-examine the witness.
16 There can be redirect and recross, and that is as to each
17 witness.

18 After the State has presented all of their evidence
19 and rested the case, then the defense has the opportunity,
20 but is not required, to present any evidence, call any
21 witnesses that the defense wishes to call. If they do elect
22 to call witnesses, then those witnesses would also be subject
23 to cross-examination by the State and redirect and recross by
24 the lawyers.

25 After all of the evidence has been presented, then

1 I will instruct you on the law, and after the instructions on
2 the law have been given, and these will be written
3 instructions that are carefully prepared, I'll read to you
4 those instructions and then you'll also have them with you in
5 the jury room. After that has happened, then each side will
6 have the opportunity to present their closing oral arguments
7 in the trial.

8 Again, closing argument is not evidence. The
9 arguments are just designed to summarize and interpret the
10 evidence and show how it applies to the law. Because the
11 State has the burden of proof, they get to both open and
12 close the final arguments. After the arguments have been
13 made, then you'll retire to deliberate on your verdict.

14 So I think I told you earlier, but I'll remind you
15 again that during the course of the trial, the attorneys for
16 both sides, all court personnel, other than the Marshal, are
17 not permitted to converse with any members of the jury.
18 They're bound by ethical rules. They're not being
19 anti-social because they're all very lovely people. I know
20 them. And so they would normally under usual circumstances
21 be happy to be courteous to you if you greeted them. But
22 they can't during the course of this trial.

23 After the trial is over, certainly, the jury is
24 invited to speak to the lawyers, if they wish to. But not
25 until you've been completely discharged from your duties and

1 you're done and I have relieved you of your obligation not to
2 discuss the case.

3 So ladies and gentlemen, the State is entitled to
4 present the first opening statement.

5 MS. CLEMONS: Thank you, Your Honor.

6 STATE'S OPENING STATEMENT

7 MS. CLEMONS: Good morning, ladies and gentlemen.
8 So as -- I think the jigsaw puzzle actually was a really good
9 analogy about kind of why we do openings. I'm going to talk
10 to you a little bit about the people you're going to hear
11 from in this case and how everybody's related.

12 The victim in this case is [REDACTED] She's
13 noted as "AF" in the Amended Information. We do that for
14 privacy reasons since she's a minor child. So [REDACTED] was
15 born [REDACTED] She is currently 13 years old.
16 She's in the eighth grade. When you see her come in here,
17 she's a very shy little girl. She's very soft spoken. So
18 we're going to try to help her keep her voice up, but she's
19 very quiet and shy.

20 At the time of the incident, she was 11-year-olds,
21 and she was in the sixth grade. So it's a bit of a year-and-
22 a-half ago that this happened. Her mother is Janice Flores.
23 You'll hear from her as well. She has a brother named
24 [REDACTED] He is eight years old currently, and he is
25 in the second grade. And then her dad is Amor Flores. Amor

1 Flores is the defendant's half brother. So the defendant and
2 Amor share the same mother, who will be referred to as
3 grandma Maria in this case. And it's at Grandma Maria's
4 house where the incidences alleged occurred.

5 The defendant also has another brother, [REDACTED]
6 And so [REDACTED] and [REDACTED] refer to [REDACTED] and the defendant
7 as uncle. So there's Uncle [REDACTED] and Uncle Kenny is what
8 they refer to the defendant as. The defendant's mother,
9 Grandma Maria, is married to an individual named Raymond, and
10 [REDACTED] and [REDACTED] refer to him as Uncle Ray. So it can be
11 a little confusing because there's a bunch of uncles, but
12 really, Raymond isn't their grandfather so that's why call
13 him Uncle Ray.

14 Grandma Maria lives at 2812 Nobility in North Las
15 Vegas. She lives there with her husband, Raymond, with
16 [REDACTED] and with Kenny. [REDACTED] is older than [REDACTED] but
17 younger than Kenny. So Kenny and [REDACTED] are closer in age
18 and then [REDACTED] and [REDACTED] are closer in age. Prior to
19 this incident in 2015, [REDACTED] and her brother and her dad
20 would often go over to the defendant's home to visit.
21 Grandma Maria would make food for dad and the kids, but the
22 kids would usually go and play in a back bedroom. There's
23 computers there, video games, things like that.

24 And when they would go to the residence, this would
25 be when this incident would occur. [REDACTED] would be in the

1 back bedroom, and the defendant would pull down her pants and
2 her underwear, and he would use his hands and fingers to
3 touch her vaginal area. And sometimes this would occur when
4 her brother [REDACTED] was present, and sometimes he would not
5 be present.

6 So this case kind of came about because after
7 [REDACTED] went to New Jersey with her family, after she was
8 done with sixth grade, and whether she came back from New
9 Jersey she told her friend, [REDACTED] You'll hear from [REDACTED] He
10 is -- actually, I think he's like nine or ten. [REDACTED] and
11 [REDACTED] have known each other their entire lives. They grew
12 up together in the same church and they're very close. The
13 families are very close. They spend a lot of time together.
14 So this was the person that she chose to disclose what was
15 happening to her by Uncle Kenny.

16 She had basically told uncle -- or told [REDACTED] that my
17 uncle touches my private area. So there wasn't a lot of
18 detail, but it was enough for her to kind of say what was
19 going on. But she also told [REDACTED] she didn't want her parents
20 to find out because she was really worried about her dad
21 losing his relationship with his mom. So that was a big
22 concern and stress for her.

23 [REDACTED] will testify that it took him a little bit of
24 time to tell his mom about what [REDACTED] had told him, but
25 eventually he did tell his mom during a trip to Walmart.

1 [REDACTED] brother and sister were also present when [REDACTED]
2 talked about what Uncle Kenny was doing to her. So all three
3 kids kind of told their mom, May, at the same time. She
4 tried to figure out what was going on, who was saying what,
5 and eventually, she said, well, you know what, I need to call
6 [REDACTED] mom and let her know what my kids are telling me.

7 So this kind of started the investigation. May
8 called [REDACTED] mom, Janice. Janice then talked to [REDACTED]
9 to kind of confirm and get some more details about what
10 happened. And then at that point, [REDACTED] mom is a nurse
11 so she had just finished her shift and was going home. Her
12 husband, Amor, was working the night shift as a nurse. So
13 she didn't want to tell him at work what was going on because
14 everyone was very upset, as you can imagine, and emotional.
15 So she kind of came up with a ruse to get Amor to May's
16 house.

17 Since the families are so close, she told Amor that
18 May and her husband were having problems, please come over
19 right away, that way she got him to leave work and come to
20 that residence where she could tell him what [REDACTED] had
21 disclosed about Uncle Kenny touching her.

22 Amor was very upset and very emotional. And that
23 point, they tried to figure out who do we even report this to
24 because they knew [REDACTED] not living in the home with
25 Kenny, so it wasn't necessarily an emergency, but it also

1 obviously needed to be reported because they're nurses and
2 they know they have to report things like this.

3 So they figured out to call the police. It took a
4 little bit for the police to get to May's house. So they did
5 this at May's house because Janice's parents were in town,
6 and they were trying to keep everything kind of quiet. They
7 didn't want to have a big scene. They didn't want her
8 parents to find out. You know, they didn't want to scare the
9 kids. So they waited at May's house for the police. It was
10 taking a while so they went back to their residence. That's
11 when Amor spoke with [REDACTED] to see what was going on, and
12 Janice saw them speaking and saw them crying together.

13 They went back to May's house, and that's when the
14 police got there, and they interviewed -- briefly interviewed
15 [REDACTED] and interviewed Janice and Amor. At this point,
16 Officer Harris, you'll hear from, he was the responding
17 officer, he takes a report and it gets assigned to Detective
18 Hoyt. He's the detective that works the child victim crimes
19 in North Las Vegas.

20 So he does an interview with [REDACTED] He's trained
21 to do interviews with children who have alleged sexual abuse,
22 and he'll talk about that training and the type of interview
23 he conducts. He also did interview [REDACTED] and he
24 interviewed defendant's brother, [REDACTED]

25 Lastly, he interviewed the defendant, and that

1 interviewed occurred at the defendant's house. Grandma Maria
2 let inside. They did the interview, I believe, in the
3 defendant's bedroom. It was Detective Hoyt and another
4 detective, Detective Freeman, who also does the child victim
5 crimes.

6 Initially, the defendant denied any type of contact
7 with [REDACTED] at all. But then as the interview progressed,
8 his story slowly began to change. He slowly said well, you
9 know, we do wrestle and we tickle. And detectives are like
10 okay, well, you know, that's completely innocent. And then
11 he said initially, well, I don't ever remember her pants
12 coming off. And then his story changed to well, maybe her
13 pants accidentally came off or -- and then to I do remember
14 her pants coming off.

15 And then he also eventually came around to saying
16 that it's possible while tickling her, his hand may have
17 touched her vagina. So that's how the investigation
18 proceeded. And those are some of the people that you're
19 going to hear from in this case.

20 The State obviously, as the Judge explained, has
21 the burden of proof. We're going to ask you to keep an open
22 mind when you listen to all of the witnesses and not make
23 your decision until the end. And at the end of the trial,
24 State is going to ask you to return a verdict of guilty
25 beyond a reasonable doubt. Thank you.

1 THE COURT: Okay. Mr. Lee, would you like to make
2 your opening or reserve?

3 MR. LEE: Make opening, Your Honor.

4 THE COURT: All right.

5 MR. LEE: Thank you.

6 THE COURT: Thank you.

7 MR. LEE: Thank you, Your Honor.

8 DEFENDANT'S OPENING STATEMENT

9 MR. LEE: Good morning, members of the jury. You've
10 heard -- you've heard the Amended Information in this
11 particular case. And I'd like to tell you this morning what
12 evidence we're going to show, okay? And what the evidence is
13 going to be. Just pretty much like what the State has just
14 done, okay? Now, the Information that was read to you
15 indicates that this event occurred in the month of June, June
16 1 to June 30th of 2015.

17 And what the evidence is going to show is that in
18 the month of June, the only time the -- Kenneth Franks came
19 in contact with [REDACTED] was on June 23rd and June 24th of
20 2015, okay. Now, you heard mention about this -- the home
21 that it occurred in, the house in Nobility.

22 The Nobility house is a four-bedroom house and
23 inside the four-bedroom house there is a master bedroom. A
24 master bedroom that was converted into a computer room, and I
25 may refer to this as a game room because the evidence will

1 show that there's two computers set up inside the room, one
2 belonging to [REDACTED] and one belonging to Kenneth
3 Franks, okay. Inside the room there's a bed, and the
4 evidence will show that there's also a master bathroom.

5 That master bathroom, the evidence will show, is
6 used by Maria and Raymond Franks. So the evidence will show
7 the door's never locked because that's their bathroom.
8 There's another bathroom in the house that's in the hallway,
9 and that's used by everyone else, okay. Maria and Frank --
10 sorry, Raymond, keep their clothes in the master closet
11 that's in the bedroom and also, the evidence is going to show
12 that they keep it also in their own bedroom or in the living
13 room.

14 Speaking about the bedrooms, the three bedrooms are
15 occupied. Now, the three bedrooms -- I said there were four
16 bedrooms are occupied by the boys, [REDACTED], Kenneth
17 Franks and their dad, Raymond Franks, all right?

18 Now, in middle of June, as I indicated, June 23rd
19 and 24th of 2015, school was out. There's no -- there's a
20 vacation time, summertime. And what the evidence is going to
21 show that at that time, Kenneth Franks had just finished a
22 year at IT&T, studying computer software programming and
23 other things that I'm going to present to you. And that he
24 -- on July -- sorry, June 15th of 2015, that was the end of
25 his semester and he had just completed a year there, and he

1 maintained a perfect grade point average of 4.0. That's what
2 the evidence is going to show.

3 Now, the TV is located in the living room area and
4 in this game room that I'm talking about, that's where the
5 two boys Kenneth and ██████ would spend all their time. In
6 fact, you're going to hear testimony, the evidence will show,
7 that they spent about eight hours a day, average, in that
8 room because both of them are really into computers and
9 computer gaming. Okay?

10 And you're going to hear testimony that when
11 ██████ or her brother, ██████ come over to the house, they
12 would run to the room because that's where the computer games
13 are played, and also in the room there's -- the evidence is
14 going to show there's a dresser and there's a outlet there
15 where they often sit and play their own handheld devices.
16 Okay?

17 As I indicated, the door to that game room is never
18 locked because Raymond and Maria are always using that, okay?
19 So after June of 2015 and specifically, June 23rd, 24th of
20 2015, then the evidence will show that the next time that
21 Amor brought -- and the children came over to the Franks'
22 residence was on August 4th of 2015. That was the last time
23 they were there.

24 While they -- the kids usually go to the room, the
25 game room, and that particular occasion they did not, okay?

1 Now, you're going to hear evidence about what occurred on the
2 days of June 23rd and June 24 on 2015 and we'll be presenting
3 evidence regarding that.

4 And based on the evidence that we're presenting to
5 you about what actually did occur in June of 2015, we're
6 going to ask that you return a guilty -- not guilty -- a
7 verdict of not guilty in this matter, okay? Thank you very
8 much.

9 THE COURT: Thank you. And the State may call its
10 first witness.

11 MS. CLEMONS: Thank you, Your Honor. [REDACTED]

12 [REDACTED]

13 THE COURT: Counsel approach.

14 (Off-record bench conference)

15 THE COURT: All right. So we're going to use a
16 lapel microphone on this witness. Let's have her -- let's do
17 that outside -- outside here. We'll set that up because that
18 way we'll be able to pick her up easier than with the
19 microphones. We have some trouble picking witnesses up if
20 they're soft spoken.

21 (Pause in the proceedings)

22 [REDACTED], STATE'S WITNESS, SWORN

23 THE CLERK: All right. Please have a seat. Once
24 you're seated, state and spell your name for the record.

25 THE WITNESS: Okay. Thank you.

1 THE COURT: State your name and spell it for us.

2 THE WITNESS: My name is [REDACTED],

3 [REDACTED].

4 THE COURT: And your last name?

5 THE WITNESS: [REDACTED].

6 THE COURT: Can the jury hear her? All right.

7 Good. You may proceed.

8 MS. CLEMONS: Fantastic.

9 DIRECT EXAMINATION

10 BY MS. CLEMONS:

11 Q How are you, [REDACTED]

12 A Good.

13 Q You okay?

14 A I'm kind of nervous.

15 Q Yeah, that's okay. I'm nervous, too so it's normal

16 to be nervous. We're going to start off with kind of some

17 easy questions. When is your birthday?

18 A [REDACTED]

19 Q Okay. So how old are you right now?

20 A 13.

21 Q 13? What grade are you in?

22 A Eighth grade.

23 Q What school do you go to?

24 A Pinecrest Cadence.

25 Q Pinecrest what?

1 A Pinecrest Cadence.

2 Q Cadence?

3 A Yeah.

4 Q Oh, okay. And what kind of classes are you taking?

5 A I'm taking science, geography, ELA accelerated, pre

6 -- or Algebra I, choir and theater.

7 Q Which one is your favorite out of all those?

8 A I would say either choir or Algebra I.

9 Q Algebra one's one of your favorites?

10 A Yes.

11 Q So is this your first year taking Algebra?

12 A Yes.

13 Q You like -- and obviously you like it if it's your
14 favorite, huh? Is that a yes?

15 A Yes.

16 Q Okay. Who do you live with?

17 A I live with my mom, my dad, my brother, my grandma
18 and my grandpa is currently visiting --

19 Q Okay.

20 A -- and staying with us.

21 Q So what's your mom's name?

22 A Janice Flores.

23 Q And what about your dad?

24 A Amor Antonio Flores.

25 Q And what's your brother's name?

1 A [REDACTED]

2 Q Okay. How old's your brother?

3 A He is eight years old.

4 Q Do you know what grade he's in?

5 A Second grade.

6 Q Does he go to the same school as you or different?

7 A He goes to the same school.

8 Q Okay. And you said your grandma lives with you,
9 too?

10 A Yes.

11 Q What's her name?

12 A Editha Yambou (phonetic).

13 Q Editha?

14 THE COURT: I couldn't hear that, honey. Keep your
15 voice up. Try and talk a little louder.

16 THE WITNESS: Editha.

17 THE COURT: Okay. Say it again.

18 THE WITNESS: Editha Yambou.

19 BY MS. CLEMONS:

20 Q Do you know how to spell her first name?

21 A E-d-i-t-h-a.

22 Q Okay. And whose mom is she, your mom or your dad's?

23 A My mom's mom.

24 Q Okay. And you said your grandfather's visiting?

25 A Yes.

1 Q What's his name?

2 A Rico.

3 Q Rico?

4 A Yes.

5 Q Is he married to anybody?

6 A He's currently dating my mom's mom.

7 Q Oh, okay. And so he's just here to visit?

8 A Yes.

9 Q Okay. Do you have any other family members that
10 live in Las Vegas?

11 A My other grandma, my uncles and that's all I really
12 know.

13 Q Okay. Your other grandma, what's her name?

14 A Maria.

15 Q Okay. What do you call her?

16 A I call her grandma.

17 Q Grandma, okay. And whose mom is she?

18 A My dad's mom.

19 Q Okay. And then you said you had some uncles in
20 town. What are their names?

21 A [REDACTED] and Kenneth.

22 Q And do you know whose mom -- who's [REDACTED] and
23 Kenneth's mom?

24 A I think grandma Maria's, but I'm not really sure.

25 Q Okay. Do they live with anybody?

1 A They live with my Grandma Maria.

2 Q Okay. Does anybody else live at grandma Maria's
3 house besides Maria, [REDACTED] and Kenny?

4 A I'm not sure if he's not grandpa or uncle, but I
5 call him Uncle Ray.

6 Q Okay. And who's Uncle Ray?

7 A Well, I'm not really sure. Well, I know he lives
8 with them, but I'm not really sure how he is because we
9 barely like talk to each other.

10 Q Okay. You don't talk a lot to Uncle Ray?

11 A Um-h'm.

12 Q Is that a yes?

13 A Yes.

14 Q Okay. Is Uncle Ray the same age as [REDACTED] and
15 Kenny or is he older?

16 A He's older.

17 Q Is he the same age or close to the same age you
18 think as grandma Maria?

19 A I don't know.

20 Q Okay. Does he seem like -- so he's older than Uncle
21 Kenny, right?

22 A Yes.

23 Q Okay. What about your dad, is he close to the same
24 age as your dad, do you think, or older?

25 A I don't know.

1 Q Okay. That's fine. And if you don't know answers
2 to questions, that's good that you're saying I don't know
3 because we don't want you to guess, okay?

4 A Okay.

5 Q Is that a yes?

6 A Yes.

7 Q Okay. So you mentioned Uncle Kenny. Do you see
8 Uncle Kenny in court today?

9 A He's right there.

10 Q Okay. Can you tell me something he's wearing right
11 now?

12 A Glasses.

13 Q And what about his clothing? What color clothing is
14 he wearing?

15 A Gray-ish, like --

16 MS. CLEMONS: May the record reflect identification
17 of the defendant?

18 THE COURT: Yes it will.

19 MS. CLEMONS: All right, thank you.

20 BY MS. CLEMONS:

21 Q Did you used to go to grandma Maria's house to
22 visit?

23 A Yes.

24 Q And who would you go to grandma Maria's house with?

25 A My dad and my brother.

1 Q Okay. Do you remember how often you would go over
2 there to visit?

3 A No.

4 Q No? Would it be like every week or would it be once
5 a month or every six months?

6 A I don't really remember.

7 Q Okay. When's the -- do you remember the last time
8 you went to grandma Maria's house?

9 A Somewhere like after our New Jersey trip.

10 Q Okay. What -- how old were you when you went to New
11 Jersey?

12 A I'm not sure.

13 Q Do you remember what grade you had either just
14 finished -- well, let's -- sorry. When you went to New
15 Jersey, was it summertime or wintertime?

16 A Summertime.

17 Q Summertime? Okay. So do you remember what grade
18 you had just finished?

19 A Sixth grade.

20 Q Sixth grade? Okay. Do you remember if you went to
21 New Jersey around any kind of summer holiday?

22 A Like, summer vacation.

23 Q Okay. And when you got back from New Jersey -- or
24 when does school start usually? What month?

25 A I don't know. I'm not really sure.

1 Q Okay. So you have summer break, right?

2 A Yes.

3 Q And then when summer break ends, is it still summer?
4 Is it still hot outside or is it cold?

5 A Could you -- could you please repeat that?

6 Q Sure. When you -- when summer break ends, you go
7 back to school, right?

8 A Yes.

9 Q And is it usually when you go back to school, is it
10 still hot or is it cold out?

11 A Hot out.

12 Q It's still hot out? Okay. So you said the last
13 time you went to grandma Maria's was before New Jersey; is
14 that right?

15 A I said after.

16 Q Oh, after, okay. Did you ever go before you went to
17 New Jersey?

18 A Yes.

19 Q Do you remember what grade you were in when you went
20 before New Jersey?

21 A Sixth grade.

22 Q Okay. Did you -- were you still in school or had
23 you finished school?

24 A When we went to New Jersey?

25 Q Before -- when you went to grandma Maria's before

1 New Jersey.

2 A I'm not sure.

3 Q Okay. And how old are you in sixth grade?

4 A Sixth grade? 11.

5 Q 11? Okay. So when you would go to Grandma Maria's
6 house, what would you usually do there?

7 A Well, just play on my gadget.

8 Q You'd play on your what?

9 A My gadgets.

10 Q On your gadgets?

11 A Yes.

12 Q What kind of gadgets do you have?

13 A Like my phone or 3DS.

14 Q A 3DS? Is that like a game system?

15 A Well, could you like rephrase that?

16 Q Yeah. I don't know what a 3DS is. Is tell me what
17 a 3DS is?

18 A Well, a 3DS is like -- it's kind of like a phone,
19 but it has two screens, and you can like, open it and close
20 it.

21 Q Oh, okay. And you play games on it?

22 A Yes.

23 Q Okay. And would you -- would your brother come with
24 you when you went to Grandma Maria's?

25 A Yes.

1 Q And what would he do while you were at Grandma
2 Maria's?

3 A He would either be playing my phone or the 3DS.

4 Q Okay. And when you were at your grandma's would
5 Kenny and [REDACTED] be around as well?

6 A Yes.

7 Q And what would they usually be doing?

8 A Playing on the computer.

9 Q On the computer?

10 A Yes.

11 Q Was there a room that you would go to that had
12 computers?

13 A Yes.

14 Q How many computers were in the room?

15 A I'm not really sure how many.

16 Q Okay. So you said Kenny and [REDACTED] would be
17 playing games on their computers. Was there more than -- how
18 would that work, would they switch and share or was there
19 more than one area where they could play games?

20 A More than one.

21 Q Okay. So can you describe that area where there was
22 more than one game thing?

23 A There would be like a bed and it had like other two
24 doors inside the room where it led to the bathroom and
25 closet.

1 Q And would there be a -- obviously, there would be a
2 computer because someone's playing on the computer, right?

3 A Yes.

4 Q And would there be any other type of thing where
5 people would play games?

6 A They -- sometimes they would use like the TV.

7 Q Oh, okay. And where would your -- do you know where
8 your dad was usually when you'd go see Grandma Maria?

9 A Well, he'd usually be in the like living room area.

10 Q Okay. What about your grandma, where would she
11 usually be, if you know?

12 A I'm not really sure.

13 Q Okay. What about Uncle Ray, did you ever know where
14 he was?

15 A No.

16 Q No? Okay.

17 A Not really.

18 Q Okay. So do you know why you're here today?

19 A Yes.

20 Q And why are we here today?

21 A I'm here to talk about what happened to me.

22 Q Okay. And what do you mean by that? What happened
23 to you?

24 A Well, my Uncle Kenny would pull down my pants and my
25 panty and touch me in my private area.

1 Q Okay. When you say your private area, can you kind
2 of tell me where that area's located on your body?

3 A Like on the lower part of your body.

4 Q Okay. And what do you use that area for usually?

5 A To pee.

6 Q To pee? Okay. When Uncle Kenny would do that,
7 where would this happen at?

8 A Like the room with the computers.

9 Q Okay. And how old were you when this would happen?

10 A I'm not really sure.

11 Q Okay. Would this happen one time or was it more
12 than once?

13 A More than once.

14 Q Do you remember the last time it happened?

15 A No.

16 Q No? Okay. So when you said Uncle Kenny would pull
17 down your pants, how far would your pants go?

18 A I don't know.

19 Q So would they come all the way off or would they
20 stay partially on?

21 A Partially on.

22 Q Okay. Do you remember like how far down on your leg
23 your pants and underwear would go?

24 A No.

25 Q No? Okay. And actually, when he pulled your

1 underwear down, was that all the off or partially on?

2 A Partially on.

3 Q Okay. And when he would pull down your pants and
4 underwear, was it at the same time or would he do one first
5 and then the second?

6 A One first, then the second.

7 Q Okay. And do you remember like what you would be
8 doing before he would pull your pants down?

9 A Well, I would usually like play on my phone or the
10 3DS.

11 Q Okay. And would there ever be anybody else in the
12 room when this happened?

13 A Sometimes there would be my brother and my Uncle

14 [REDACTED]

15 Q When this would happen, would you hear them say
16 anything about what was going on?

17 A There was this one time where my Uncle [REDACTED] told
18 Kenny to stop.

19 Q Okay. And did Kenny stop when [REDACTED] told him to,
20 if you remember?

21 A I don't remember.

22 Q Okay. When Uncle Kenny would touch your private
23 area, what part of his body did he use to touch you?

24 A His fingers.

25 Q His fingers? Okay. Do you remember if it was one

1 finger or more than one finger?

2 A I don't remember.

3 Q Okay. Do you remember if his fingers were doing
4 anything or were they just still?

5 A His fingers would be rubbing.

6 Q They would be moving?

7 A Yes.

8 Q Did you say anything when this would happen?

9 A Sometimes I'd say to stop, but there was like this
10 one time I tried to say stop, but he was tickling me.

11 Q He was tickling you?

12 A Yes.

13 Q Was he tickling you in your private area or other
14 places?

15 A Other places.

16 Q So did you tell him to stop because he was tickling
17 you or did you tell him to stop because he was touching your
18 private area?

19 A Both.

20 Q Both? Okay. So when he was tickling you, would he
21 be tickling you and touching your private area at the same
22 time or was it different time?

23 A I don't remember.

24 Q Okay. Did he ever say anything when he touched your
25 private area?

1 A No.

2 Q No? Okay. Do you know why he would stop touching
3 your private area?

4 A No.

5 Q No? Okay. So you said you guys went over to
6 Grandma Maria's before the -- well, actually, you came back
7 from New Jersey, right?

8 A Yes.

9 Q And also before New Jersey?

10 A Yes.

11 Q Okay. Did this happen when you went over before New
12 Jersey?

13 A I'm not sure.

14 Q Okay. What about when you came back from New
15 Jersey, did it happen then?

16 A No.

17 Q No? Okay. So you definitely remember that, that it
18 didn't happen after New Jersey?

19 A Yes.

20 Q Okay. Did you ever tell anybody what happened?

21 A Yes, I did.

22 Q And who did you tell?

23 A My friend [REDACTED]

24 Q Your friend [REDACTED] How do you know [REDACTED]

25 A He's a friend from church.

- 1 Q Okay. And how long have you known [REDACTED]
- 2 A When we were like very young, probably when we were
- 3 babies.
- 4 Q When you were babies?
- 5 A Yes.
- 6 Q Do you know [REDACTED] mom?
- 7 A Yes.
- 8 Q What's her name?
- 9 A May.
- 10 Q May? Okay. Does [REDACTED] have any brothers and sisters?
- 11 A Yes.
- 12 Q What are their names?
- 13 A [REDACTED] and [REDACTED]
- 14 Q Okay. And [REDACTED] is he -- do you know how old
- 15 he is?
- 16 A No.
- 17 Q Okay. Was he older than you or younger than you?
- 18 A Younger than me.
- 19 Q And what about [REDACTED] do you know how old he is?
- 20 A I'm not so sure.
- 21 Q Is he older or younger than you?
- 22 A Younger.
- 23 Q Do you know how much younger [REDACTED] is than you?
- 24 A I think maybe a year or two.
- 25 Q Okay. And is [REDACTED] older than [REDACTED]

1 A Yes.

2 Q Okay. And you said [REDACTED] is that the other?

3 A Yes.

4 Q How old is -- or is [REDACTED] older or younger than

5 [REDACTED]

6 A Younger.

7 Q Okay. So it sounds like [REDACTED] the oldest, and then
8 you have [REDACTED] and then [REDACTED] is that right?

9 A Yes.

10 Q Okay. And are you friends with all three of them?

11 A Yes.

12 Q Okay. Where were you when you told [REDACTED] what had
13 happened to you?

14 A At church.

15 Q At church? Do you remember what you were doing at
16 church that day you told him?

17 A No.

18 Q No? Okay. When you told [REDACTED] was it before you
19 went to New Jersey or was it after you got back?

20 A I don't know.

21 Q Okay. What about you mentioned that you went to
22 Grandma Maria's after you came back from New Jersey?

23 A Yes.

24 Q Do you remember if you told [REDACTED] after that visit or
25 was it before?

1 A I don't know.

2 Q You don't know? Okay. After you told [REDACTED] did you
3 ever go back to Grandma Maria's?

4 A No.

5 Q No? Okay. And what did you tell [REDACTED] had happened?

6 A I don't remember.

7 Q You don't remember? Do you not remember what you
8 specifically said?

9 A No, I don't remember.

10 Q Okay. Do you remember like the gist of what you
11 said or like kind of a summary of what you said?

12 A Like just the gist of it.

13 Q Just the gist of it?

14 A Yeah.

15 Q Can you tell us what the gist of it is?

16 A Like, I told him of it. Well, I don't remember like
17 full -- the full conversation, but I know we talked about
18 what happened to me.

19 Q Okay. And do you remember what you told him
20 happened to you?

21 A No.

22 Q Okay. Did you tell him who had touched you?

23 A I told him that my uncle did.

24 Q Okay. And you have a couple uncles, right?

25 A Yeah.

1 Q Did you tell him which uncle or did you just say
2 your uncle?

3 A I just said my uncle.

4 Q Okay. And did you tell [REDACTED] where your uncle had
5 touched you?

6 A I don't know.

7 Q Okay. So did you tell [REDACTED] to tell somebody for you?

8 A I don't know.

9 Q Okay. So when you told [REDACTED] what happened, did you
10 want him to share what you had told him?

11 A No.

12 Q No? Why not?

13 A I'm not sure.

14 Q Okay. How come you didn't tell your parents what
15 had happened?

16 A Well, like when my dad was young, my grandma like
17 was barely there for him. And now that -- or that time when
18 my dad got to talk to my grandma, I thought that would like
19 fill in the lost time that they didn't have together.

20 Q Okay. So did you not tell your dad because you
21 didn't want to ruin that?

22 A Yeah.

23 Q Okay. So at some point, did your mom ask you about
24 what happened?

25 A Yes.

1 Q When your mom asked you, were you surprised she knew
2 anything had happened?

3 A I'm not sure.

4 Q Okay. What did you think when your mom asked you?

5 A Well, there was like a part where she thought it was
6 like one of her brothers --

7 Q Yeah.

8 A -- and then I was like what is she talking about?
9 And so that's the only thing I remember of me thinking that
10 time.

11 Q Okay. When your mom thought it was one of her
12 brothers, did you let her know which uncle it was that
13 touched you?

14 A Yes.

15 Q Yes? Okay. And which uncle did you tell her had
16 touched you?

17 A Uncle Kenneth.

18 Q Uncle Kenny? Okay. And then did you ever talk to
19 your dad about what happened?

20 A Yes.

21 Q Was that close to the same time or day that you
22 talked to your mom? If you remember.

23 A I don't remember.

24 Q Okay. And do you remember what you told your dad
25 had happened?

1 A No, not really.

2 Q No? Okay. Was it any -- was it the same that what
3 you've talked about in court or was it different at all?

4 A I don't know.

5 Q You don't know? Okay. Did you talk to the police
6 about what happened?

7 A I talked with a detective.

8 Q Okay. Do you remember where that -- where you
9 talked to him at?

10 A In a room.

11 Q Was that at your house or was it at a police
12 station?

13 A Not at our house, but I don't know where.

14 Q Okay. So you don't know where you were, but it
15 wasn't your house?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q Okay. And when you talked to the detective, was it
20 a couple months after you had gone over to uncle -- or
21 Grandma Maria's in June of 2015?

22 A Yes.

23 Q Okay. And did he ask you a lot of questions about
24 what had happened with Uncle Kenny?

25 A Yes.

1 Q Yes? Okay. And did you tell him the truth as to
2 what happened with Uncle Kenny?

3 A Yes.

4 Q Okay. So we are in December of 2016 right now,
5 right?

6 A Yes.

7 Q Do you think you remembered what happened better in
8 September of 2015 or now?

9 A Probably in September.

10 Q Yeah? Okay. Is this something that you wanted to
11 remember all the details of or is it something you didn't
12 want to remember?

13 A Something I didn't want to remember.

14 Q Okay. Have you thought much about what had happened
15 with Uncle Kenny before the last, I guess, year-and-a-half?

16 A No.

17 Q Okay. And after you talked to the police, did you
18 ever go see a counselor about this?

19 A I went to see a therapist.

20 Q Oh, okay. And did that -- what did you think of
21 that?

22 A The therapist is nice.

23 Q Yeah?

24 A And it made me feel better.

25 Q Okay. And after you -- you know, you talked to your

1 parents and the police, how did you feel about what had
2 happened to you?

3 A Well, I thought it was a pretty bad thing that
4 happened to me, but in the future, it might have led to
5 something better.

6 Q What do you mean by that?

7 A Well, by this, I can get, you know, stronger, and
8 when I move on, I'm a much more better person, something like
9 that.

10 Q Okay, okay.

11 MS. CLEMONS: Court's indulgence.

12 BY MS. CLEMONS:

13 Q Okay. So we talked a little bit about how you
14 talked to the police or the detective in September; do you
15 remember talking to him?

16 A Yes.

17 Q Okay. Do you remember seeing a tape recorder on the
18 table when he talked to you?

19 A Yes.

20 Q Okay. So I just want to ask you a couple things
21 about what you told the detective to see if maybe that helps
22 refresh your memory a little bit. Do you remember telling
23 him -- one second. Do you remember him asking you when the
24 last time you were touched was?

25 A No.

1 Q Okay. Do you think if you read your statement, that
2 might help you remember?

3 A Possibly.

4 Q Possibly? Okay.

5 (Pause in the proceedings)

6 BY MS. CLEMONS:

7 Q Okay. So I'm going to ask you just to read this to
8 yourself real quick and then let me know if you remember. So
9 maybe start here and then go into that page.

10 A Okay. (Witness reading.)

11 Q Okay. Okay. Are you done?

12 A Yes.

13 Q Yes. You're a pretty fast reader. So did that help
14 you remember what you told the detective?

15 A Not really.

16 Q Not really? Okay. Can I grab the --

17 A Here you go.

18 Q Thanks. So you don't remember telling the detective
19 the last time your uncle touched you was right near the end
20 of sixth grade?

21 A I don't know.

22 Q Well, there's no right or wrong answer. So you're
23 not -- this isn't like a test or anything. I just want to
24 know if you remember saying it or not?

25 A No, not really.

1 Q You don't remember saying that?

2 A No.

3 Q Okay. Do you remember the detective asking you kind
4 of specific details about what you were doing and how the
5 defendant touched your private area the last time it
6 happened?

7 A Yes.

8 Q Yes? Okay. Do you remember what you were doing the
9 last -- before he touched your private area the last time?

10 A No.

11 Q No? Okay. Do you think it might help you remember
12 if you read your statement real quick?

13 A I don't know.

14 Q Okay. How about we have you read it and see if you
15 remember and if you do, you do, and if you don't, you don't,
16 okay?

17 A (Witness reading).

18 Q Are you done?

19 A Yeah.

20 Q Okay. Did that help you remember at all?

21 A Yes.

22 Q Yes? Okay. What do you remember about that last
23 time that Uncle Kenny touched your private?

24 A Well, I remember like I was trying to pull myself
25 like out of there, and I was like grabbing onto the door kind

1 of, like the thing where -- I don't know how like what it's
2 called, but I was trying to grab the end, like pull myself
3 out, and my brother was climbing on top of Kenneth.

4 Q Okay. So you -- when you said out of there, do you
5 remember the room you guys were playing in?

6 A Yes.

7 Q Okay. At Grandma Maria's?

8 A Yes.

9 Q Okay. And how come you couldn't leave the room?
10 What happened?

11 A Well, Kenneth was like holding my legs and kind of
12 pulling me.

13 Q Oh, okay.

14 A So --

15 Q And so when he pulled your legs, what happened after
16 he pulled your legs?

17 A Well, he touched my private area.

18 Q Okay. Were your pants up or down?

19 A Down.

20 Q Do you know how your pants got down?

21 A He pulled them down.

22 Q Okay. And then you said something about your
23 brother. What was your brother doing?

24 A Well, my brother was like going on top of him.

25 Q On top of Kenny?

1 A Yes.

2 Q Can you describe how he was on top of Kenny?

3 A Well, he was just like laying on top of Kenneth.

4 Q So were you standing up, sitting down or laying down
5 when this was happening?

6 A Laying down.

7 Q Laying down. Do you know if you were on your front,
8 side or back?

9 A Side.

10 Q Okay. And what was Kenny doing? Was he standing
11 up, sitting down or laying down?

12 A I'm not sure.

13 Q And so you're laying down. Where is he in relation
14 to you? Like, so if you're laying down and you said he was
15 touching your private area?

16 A Yes.

17 Q I'm having a hard time like picturing that in my
18 head, and you were there so I'm kind of trying to make sure I
19 understand like how that happened. So where -- if you're
20 laying down, he's touching you, do you know where he is?

21 A Like at my feet.

22 Q At your feet, okay?

23 A Like was right here.

24 Q And do you remember if he was sitting or anything?

25 A Well, I don't remember.

1 Q Okay. And if Kenny is on top -- I'm sorry, if your
2 brother is on top of Kenny, is he like on your shoulders, on
3 his back, on his front?

4 A On his back.

5 Q On his back? Okay. And what part of Kenny's body
6 is he using to touch you?

7 A Like, his hand.

8 Q His hand, okay.

9 A Fingers.

10 Q Do you also have uncles in New Jersey?

11 A Yes.

12 Q Yes? Have any of your uncles in New Jersey ever
13 touched you like this?

14 A No.

15 Q Okay.

16 MS. CLEMONS: Court's indulgence.

17 (Pause in the proceedings)

18 BY MS. CLEMONS:

19 Q Before this happened with Kenny, what kind of
20 relationship did you have with him? Like, were you guys
21 close or did you not like him or what did you think of Kenny?

22 A Like a family type of a relationship. So we were
23 close.

24 Q You guys were close?

25 A Yes.

1 Q Okay. Did you not like him for any reason or was he
2 just family?

3 A Just family.

4 Q Okay.

5 MS. CLEMONS: Your Honor, I will pass the witness.

6 THE COURT: Cross.

7 CROSS-EXAMINATION

8 BY MR. LEE:

9 Q Good afternoon -- or good morning, [REDACTED] My name
10 is Benson Lee. I'm going to ask you a few questions, okay?
11 You said you -- the last time you came back -- or went over
12 to Grandma Maria's house was after you came from New Jersey?
13 Is that correct?

14 A Could you please repeat that?

15 Q Sure. In fact, I'll move up a little closer. The
16 last time -- (inaudible). The last time you went to your
17 grandmother's house, was that after you came back from New
18 Jersey?

19 A Yes.

20 Q When you -- do you remember about when that was? I
21 think you said that was still the summer; is that correct?

22 A Yes.

23 Q Yes?

24 A Yes.

25 Q Okay. Don't mind if I -- you have a very soft

1 voice, which is very nice. Okay. When you went over to --
2 I'm talking about the time you came back from New Jersey and
3 going over to your grandmother's house. Do you remember who
4 was there when you went over to the house?

5 A To the house? I don't remember.

6 Q Don't remember, okay. Did you go over to your
7 Grandmother Maria's house alone or who did you go there with?

8 A I went with my dad and my brother.

9 Q Your dad and your brother? Okay. And do you
10 remember how long you stayed there?

11 A No.

12 Q No? Okay. Do you remember if your -- if Maria and
13 Uncle Raymond were there?

14 A My Uncle Ray, I'm not sure where he was, but my
15 Grandma Maria was working.

16 Q Okay. So Grandma Maria was working, and you said
17 you're not sure if Uncle Raymond was there?

18 A Yes.

19 Q Is that right? You don't remember?

20 A Yes.

21 Q Okay. Was -- do you remember who opened the door
22 for you when you went over to the house, when you came back
23 from New Jersey?

24 A I'm not sure.

25 Q You're not sure. Okay. Do you remember if you went

1 -- well, I'll forget about to ask that. When you go over to
2 your Grandmother Maria's house, do you -- which room do you
3 like to go to?

4 A Well, I'd usually go to the computer room or the
5 living room.

6 Q Computer room, right? Okay.

7 THE COURT: I think she said computer room or the
8 living room.

9 MR. LEE: The living room.

10 THE COURT: Yeah.

11 BY MR. LEE:

12 Q And when you would go over there, would you have
13 your -- something to play with or your phone or your game
14 device?

15 A Yes.

16 Q Okay. And your brother has one, too, a game device?

17 A Yes.

18 Q Okay. And when you go to the game room or computer
19 room, do you have to charge your phone or your gaming device
20 or not? Do you have to plug it in somewhere?

21 A Yes.

22 Q You do? Okay. And is there a place in the gaming
23 room that you always go plug in your gaming device?

24 A I don't remember.

25 Q Don't remember, okay. Okay. Do you remember if --

1 when you came back from New Jersey, if you went into the
2 gaming room?

3 A I'm not sure.

4 Q Not sure. Okay. You -- do you remember if your
5 brother went into the gaming room when you came back from New
6 Jersey?

7 A I'm not sure.

8 Q Did you say I'm not sure?

9 A Yes.

10 Q Okay. That's all right. Okay. Before you went to
11 New Jersey, you went over to your grandma's house; do you
12 remember?

13 A Can you please repeat?

14 Q Okay, I'll repeat it. Let me ask you another way,
15 okay? Do you remember when you got out of the sixth grade?

16 A Yes.

17 Q What month you got out of school?

18 A Yes.

19 Q Okay. What month was that?

20 A June.

21 Q June, okay. And before you got out of school in the
22 sixth grade, did you ever go to your grandmother's house in
23 June again or in June?

24 A I'm not sure.

25 Q Not sure. Okay. But you remember going over to

1 your grandma's house in June after school, right? I mean,
2 after school is over, right?

3 A Like, on the last day?

4 Q Last day?

5 A Oh, wait, like on the last day or like just after
6 school's done?

7 Q Just whenever you remember. Did you go over there
8 the last day or the day after school was over?

9 A I'm not really sure.

10 Q Not sure, okay. Okay. And how did you go to the
11 house? Who brought you there?

12 A My dad.

13 Q Your dad, okay. And when you go over there, that's
14 your dad Amor; is that correct?

15 A Yes.

16 Q And he's the one that always usually drives you and
17 takes you and [REDACTED] to your grandma's house?

18 A Yes.

19 Q Okay. Do you remember if he took you there on a
20 week day or a weekend?

21 A I'm not sure.

22 Q Not sure? Okay.

23 MR. LEE: Could you -- Court's indulgence, please.

24 (Pause in the proceedings)

25 MR. LEE: May I approach, Your Honor?

1 THE COURT: Yes.

2 BY MR. LEE:

3 Q If I showed you something that you might have said,
4 would that -- would you just read this? It might refresh
5 your memory.

6 A Okay.

7 Q Okay. Just take your time and read that first part.

8 A Okay.

9 Q Did reading that help you remember whether it was a
10 week day or weekend?

11 A Well, kind of, but not really.

12 Q I'm sorry, I couldn't hear you.

13 A Kind of, but not really.

14 Q Not really, okay. Do you remember your grandmother
15 Maria taking you shopping in the summer?

16 A Yes.

17 Q You do? Okay. When you -- where did she take you,
18 do you remember?

19 A I don't remember.

20 Q Don't remember?

21 A Yes, I don't remember.

22 Q Don't remember, okay. Do you remember anything that
23 she bought you that day when she took you shopping?

24 A Well, she bought my brother shoes.

25 Q A pair of shoes?

1 A Yes.

2 Q Okay. All right.

3 THE COURT: I think she said she bought --

4 MR. LEE: I'm sorry?

5 THE COURT: -- her brother a pair of shoes.

6 MR. LEE: Oh, brother. I'm sorry.

7 THE COURT: You need to keep your voice up.

8 MR. LEE: Yeah.

9 THE COURT: Can the jury still hear her? Okay,
10 good. Thank you.

11 BY MR. LEE:

12 Q Said bought the brother a pair of shoes? And it
13 your grandmother Maria buy you anything?

14 A A Tom's bag.

15 Q Like a pack?

16 A Yes.

17 Q Okay. Do you remember what store she bought that
18 for you and your brother?

19 A I'm not sure.

20 Q Not sure, okay. Do you remember going to eat when
21 you went shopping?

22 A I don't know.

23 Q You don't remember?

24 A I don't remember.

25 Q Okay. It's okay. Do you know where Circus Circus

1 is at? Have you ever gone to Circus Circus?

2 A Yes.

3 Q Circus Circus? Do you remember if you went to a
4 Circus Circus when you went shopping?

5 A I'm not sure.

6 Q Not sure. If I said do you remember a Adventure
7 Dome; do you remember? Does that help you remember anything
8 at Circus Circus?

9 A I don't really remember.

10 Q You don't remember?

11 A Yes, I don't remember.

12 Q Okay. When you -- you remember the day you got --
13 you went shopping; remember that now, right?

14 A Do you mean by the date?

15 Q I mean, just remember the day that you went shopping
16 with your grandmother? Do you remember that day and you got
17 a pack and your brother got a pair of shoes; do you remember
18 that?

19 A Yes.

20 Q Okay. Was that the same day that your Uncle Kenneth
21 touched you?

22 A I don't know.

23 Q You don't remember?

24 A Yes.

25 Q Okay. Now, you said that [REDACTED] was on your --

1 Uncle Kenny's back.

2 A Yes.

3 Q Do you remember that?

4 A Yes.

5 Q Was he -- like, did he jump on his back? Did he --
6 was [REDACTED] trying to -- climbing on his back? Why was [REDACTED]
7 on his back; do you remember?

8 A I don't know.

9 Q You don't know?

10 A I don't know.

11 Q Okay. That's all right. Does [REDACTED] like to jump
12 on Uncle Kenny's back?

13 A Well, my brother likes to go on people's backs
14 sometimes, like --

15 Q He likes to go on people's back? Okay. Does your
16 brother like to do it to your dad, jump on his back?

17 A Yes.

18 Q Yes? Okay. All right. And does he like to jump on
19 your back?

20 A Well, not really since --

21 Q No?

22 A -- I'm not that --

23 Q Not really, okay. So does he like to -- does [REDACTED]
24 like to play with Uncle Kenneth?

25 A Yes.

1 Q He does? Does he like to jump on Uncle Kenneth's
2 back, too?

3 A I'm not sure.

4 Q Not sure, okay. Is -- when you go over to the house
5 that time that they went shopping, did you see Uncle Kenneth
6 in the room?

7 A I don't remember.

8 Q You don't remember? Okay. Do you remember Uncle
9 [REDACTED] in the room when you went over shopping that day?

10 A I don't remember.

11 Q You don't remember. Okay. Okay. After you went
12 shopping, do you remember if you came back to the Grandma
13 Maria's house again?

14 A I don't know.

15 Q You don't know?

16 A I don't know.

17 Q Okay. Do you remember how you got home that day?
18 How you and [REDACTED] got home that day?

19 A I don't remember.

20 Q Don't remember. Okay. I'll just make it -- your
21 dad took you over to the house that day; do you remember
22 that, right?

23 THE COURT: On which --

24 BY MR. LEE:

25 Q Do you remember that?

1 THE COURT: -- which day? What time are we talking
2 about?

3 MR. LEE: I'm sorry.

4 BY MR. LEE:

5 Q On the day you went shopping to the mall, you said
6 your dad took you over to Grandma Maria's house?

7 A On the day of shopping?

8 Q Day of shopping.

9 A I'm not sure.

10 Q Not sure? Okay. Do you remember if he picked you
11 up and took you home that day of shopping?

12 A I don't remember.

13 Q Don't remember? Okay. Okay. Do you remember the
14 day before you went shopping, did you go over to your Grandma
15 Maria's house?

16 A No, I don't remember.

17 Q Don't remember, okay.

18 MR. LEE: Court's indulgence, please.

19 BY MR. LEE:

20 Q When you go to your grandma's house, how -- do you
21 -- do you wear -- what kind of clothing do you wear when you
22 go to the house? Like what kind of pants you wearing?

23 A I'm not really sure.

24 Q You're not sure? Okay. Do you wear tights?

25 THE COURT: Is that ever or --

1 MR. LEE: Oh, I know.

2 BY MR. LEE:

3 Q Do you -- I'm sorry, do you wear tights generally?

4 A I wear tights whenever I'm going to church and then
5 I put a skirt on top of that.

6 Q Okay. So you wear tights when you go to church; is
7 that correct?

8 A Yes.

9 Q Is that what you said?

10 A Yes.

11 Q Okay. Do you know if you remember if you wear
12 tights when you go over to Grandma Maria's house?

13 A I'm not sure.

14 Q Not sure, okay. Now, when you said Uncle Kenneth
15 was touching you, your brother was on Uncle Kenneth's back?

16 A Yes.

17 Q Right? Okay. When you said Uncle Kenneth was
18 touching you, did you -- what did you do? Did you laugh?
19 Did you scream? What did you do?

20 A Well, I was just basically trying to get out of the
21 room and like, I was trying to pull myself out and I didn't
22 really scream or laugh.

23 Q Okay. So when that happened, you said did you --
24 you went out of the room?

25 A I was trying to get out of the room.

1 Q I'm sorry, I couldn't hear you.

2 THE COURT: She was trying to get out of the room.

3 BY MR. LEE:

4 Q Oh, trying to get out of the room. Did you scream
5 or yell or anything?

6 A No.

7 Q Okay. And did you eventually get out of the room or
8 did you stay in your room?

9 A I'm not sure.

10 Q Not sure, okay. And I said, do you remember again,
11 whether Uncle [REDACTED] was in the room?

12 A I don't know.

13 Q You don't know? Is that what you said?

14 A Yes.

15 Q Okay.

16 A I said I don't know.

17 Q Every time you go over there, is Uncle [REDACTED]
18 usually in the computer room or the game room?

19 A He usually is in the game room.

20 Q He's usually in the game room, huh? Now, there's a
21 bathroom in the game room. You said -- do you remember a
22 bathroom in the game room?

23 A Yes.

24 Q Okay. Whose bathroom is that; do you know?

25 A I don't know.

1 Q You don't know?

2 A I don't know.

3 Q I'm sorry, I'm having a hard time hearing you. Did
4 you say --

5 THE COURT: She didn't know.

6 MR. LEE: Oh, she didn't know.

7 THE COURT: Yeah.

8 MR. LEE: Okay.

9 BY MR. LEE:

10 Q Do you know if your Grandmother Maria or your Uncle
11 Raymond use that bathroom?

12 A I don't know.

13 Q You don't know, okay. And when you go to the
14 bathroom, do you use that bathroom or do you use another
15 bathroom?

16 A I really -- I'd rarely go to that bathroom.

17 Q You rarely go to the bathroom, okay. Does your
18 grandmother Maria cook for you when you go over there?

19 A Yes.

20 Q Okay. And do you tell her what to cook or do you
21 have any favorite food you tell your grandmother to cook?

22 A She just cooks, and when we're there -- we don't
23 really request for like any food for us -- her to cook.

24 Q You don't really request anything?

25 A Yes.

1 Q Good. Okay. Do you like your grandmother Maria?

2 A Yes.

3 Q You like your Uncle [REDACTED]

4 A Yes.

5 Q You may have told me that. And do you like Uncle
6 Raymond?

7 A Well, I didn't really know him so I'm not really
8 sure.

9 Q Okay. So you really don't know Uncle Raymond? Does
10 Uncle Raymond ever go to your house?

11 A No.

12 Q No? Okay. Does your grandmother Maria go to your
13 house very much?

14 A Rarely.

15 Q Rarely. Okay. Do you know -- if you could
16 remember, do you remember in 2005 if they -- grandmother --
17 like grandmother Maria or Uncle Raymond went to your house?

18 THE COURT: Did you say 2005?

19 MR. LEE: Oh, sorry. 2015.

20 BY MR. LEE:

21 Q Do you remember if they -- that's when you were in
22 the sixth grade. Do you remember if went over to your house?

23 A I don't remember.

24 Q You don't remember? It's all right. Do you have
25 your own cell phone?

1 A Yes.

2 Q And how long have you had had your cell phone? Do
3 you remember who bought your cell phone for you?

4 A The cell phone I have currently?

5 Q Okay. The one that you have currently, is that --
6 do you have a cell phone currently?

7 A Yes.

8 Q And is that the same cell phone you had last year,
9 2015?

10 A No.

11 Q So you bought a new -- you got a new cell phone,
12 right?

13 A Well, the phone that I have used to be my dad's.

14 Q Oh, the one that you have now used to be your dad's?

15 A Yes.

16 Q Okay. So do you remember your cell phone number?

17 A My cell phone number?

18 Q You have currently?

19 A Plus 1-702 --

20 MS. CLEMONS: Your Honor, I'm going to object at
21 this point. I don't think it minor child should be putting
22 her cell phone number on the record.

23 MR. LEE: I was --

24 MS. CLEMONS: I don't see the relevance of it
25 either.

1 MR. LEE: Your Honor, I'm just --

2 THE COURT: All right. The objection is relevance?

3 MS. CLEMONS: Yes.

4 THE COURT: Is there some relevance?

5 MS. CLEMONS: The cell phone number, I want to

6 withdraw that question --

7 THE COURT: Okay.

8 MS. CLEMONS: -- Your Honor. That's off.

9 BY MR. LEE:

10 Q But you have a cell phone now currently, correct?

11 A Yes.

12 Q Okay. And that cell phone used to be your dad's

13 cell phone; is that right?

14 A Yes.

15 Q Before that, did you have your own cell phone number

16 -- or cell phone?

17 A Yes.

18 Q You had another cell phone?

19 A Yes.

20 Q Okay. And did you have that cell phone in 2015

21 when you went to your grandmother's house?

22 A No.

23 Q You didn't have that? Okay. Did you carry that --

24 your cell phone -- your other cell phone when you went to New

25 Jersey?

1 A Which one?

2 THE COURT: Which?

3 BY MR. LEE:

4 Q Your old cell phone.

5 A The one before the one that I have now?

6 Q Well, the -- well, let me make it easier. I'll ask
7 you another way, okay? Do you -- you currently always have a
8 cell phone now; is that correct?

9 A Yes.

10 Q Okay and last year, when you were in the sixth
11 grade, did you have also a cell phone all the time?

12 A Yes.

13 Q You did? Okay. And when you go over to -- when you
14 came back -- before you went to New Jersey, do you remember
15 if you had a cell phone when you went over to Grandma Maria's
16 house?

17 A When I went to -- over to Grandma Maria's house? I
18 did have a cell phone.

19 Q You did have a cell phone? Does your cell phone
20 like have games on it, too?

21 A Yes.

22 Q Okay. Do you have another machine that has a
23 different kind of game on it or do you -- do you carry a game
24 machine and a cell phone that has games on it?

25 A Yes.

1 Q So you carry like more -- the cell phone has games
2 and then have you a gaming machine?

3 A Yes.

4 Q What kind of game machine is that, that you were
5 carrying?

6 A 3DS.

7 Q 3DS, all right. Can you tell me what your favorite
8 game is?

9 A On the 3DS?

10 Q Yes.

11 A Scribblenauts.

12 Q I'm sorry?

13 A Scribblenauts.

14 Q Okay. And did your Uncle Kenneth help you with
15 games?

16 A He bought me a Pokeman game.

17 Q He bought you a Pokeman game, eh? Did you ever play
18 Pokeman before he bought you that game?

19 A I'm not sure.

20 Q Not sure, okay. And do you remember when he bought
21 you that Pokeman game?

22 A Like the day that he bought it?

23 Q I'll just put it this way. Was it before you went
24 to New Jersey?

25 A I don't know.

1 Q You don't know? Okay. Do you like to watch Pokeman
2 kind of programs on computers in 2015?

3 A Can you please repeat the question?

4 Q Yeah. Let me ask you another one, okay? So you
5 have your own games on your cell phone, and you have a
6 sometimes another gaming machine, like a Pokeman machine, all
7 right, if I can call it that, okay? Did you ever look at
8 games on either Uncle Kenneth or Uncle [REDACTED] computers?

9 A Sometimes they would let me borrow the computer.

10 Q Sometimes I'm sorry?

11 A Sometimes they would let me borrow the computer.

12 Q Or they would let you borrow the computer? Okay.
13 Are you -- do you know how to use computers yourself in 2015?

14 A I did know how to use a computer.

15 Q Yeah. I mean, do you -- who turns on -- you turn on
16 the computer yourself or it's already on and then you do
17 something on the computer?

18 A I'm not sure.

19 Q Not sure, okay. It's all right.

20 THE COURT: Mr. Lee, I think, the jury is needing a
21 break.

22 MR. LEE: Okay.

23 THE COURT: I'm just seeing faces over there --

24 MR. LEE: Okay.

25 THE COURT: -- that look like they're in pain. So

1 ladies and gentlemen, we're going to take a 15-minute break
2 and then do you think you'll be able to finish -- if we take
3 15 minutes, will you be able to finish -- how much more do
4 you think you have because we'll be recessing for lunch.

5 MR. LEE: Okay. Well, I would prefer to --

6 THE COURT: I just don't know.

7 MR. LEE: -- take it after lunch, Your Honor.

8 THE COURT: Well, I'm not going to recess for lunch
9 yet.

10 MR. LEE: Okay.

11 THE COURT: So we'll continue for a while and
12 see --

13 MR. LEE: Okay, we'll continue for a while.

14 THE COURT: -- how we get.

15 MR. LEE: Thank you.

16 THE COURT: All right. So we're going to have a
17 15-minute break right now. And so ladies and gentlemen,
18 during this recess, it is your duty not to converse among
19 yourselves or with anyone else on any subject connected with
20 the trial or to read, watch or listen to any report of
21 commentary on the trial by any person connected with the
22 trial or by any medium of information, including without
23 limitation, newspaper, television, radio or Internet. You
24 are not to form or express an opinion on any subject
25 connected with this case until it's finally submitted to you.

1 Again, no research, no investigation, no experimentation, et
2 cetera, during this recess. Thank you.

3 THE MARSHAL: All rise for the jury, please.

4 (Outside the presence of the jury)

5 THE COURT: And the record will reflect the jury
6 has departed the courtroom. Any matters outside the
7 presence --

8 MS. CLEMONS: None from the State.

9 THE COURT: -- before we have a recess?

10 MR. LEE: Yes, Your Honor.

11 THE COURT: There's something outside --

12 MR. LEE: No, Your Honor.

13 THE COURT: -- the presence? Okay. All right.

14 Thank you, we'll be in recess.

15 MR. LEE: Okay.

16 MS. CLEMONS: Thank you.

17 (Court recessed at 11:28 a.m. until 11:47 a.m.)

18 (Outside the presence of the jury)

19 THE COURT: All right. We're back in session
20 outside the presence of the jury. The defendant is present
21 with counsel. The chief deputies district attorney
22 prosecuting the case are present, and as are all officers of
23 the court.

24 MR. STEPHENS: Your Honor, I wanted to address,
25 Mr. Lee, I believe, is going to use three different exhibits.

1 We've stipulated to the admission of those under the
2 condition that someone will be able to lay a foundation as to
3 when those photos were taken. But at this point, we're happy
4 to admit -- stipulate to the admission of those.

5 THE COURT: Okay. And what are those marked as or
6 have they been marked yet?

7 MR. LEE: Yes, they've been marked. They're marked
8 as Exhibit A, B and C.

9 THE COURT: Thank you. All right. So the record
10 will reflect and we'll put it on the record in front of the
11 jury that those have been admitted by stipulation.

12 (Exhibits A, B and C admitted, by stipulation)

13 MS. CLEMONS: Okay.

14 MR. STEPHENS: Thank you.

15 MR. LEE: Thank you, Your Honor.

16 THE COURT: Are we ready now to bring them in? All
17 right.

18 MR. LEE: Yes.

19 THE COURT: Let's bring them in.

20 THE MARSHAL: All rise for the jury, please. Your
21 Honor, all members of the jury and the two alternates are
22 present.

23 THE COURT: Thank you. Please be seated. And the
24 record will reflect the presence of all 12 members of the
25 jury as well as the two alternates. And [REDACTED] you're

1 still under oath, all right? And Mr. Lee, go ahead.

2 BY MR. LEE:

3 Q [REDACTED] you said -- I want to ask you some
4 questions about your school, okay?

5 A Okay.

6 Q Do you like school?

7 A Yes.

8 Q You do? Okay. And you said you had a couple
9 favorite topics, right?

10 A Um-h'm.

11 Q Right?

12 THE COURT: You have to answer out loud.

13 THE WITNESS: Sorry. Yes.

14 BY MR. LEE:

15 Q Yes, okay. And I think you said that you like --
16 your favorite was Algebra I --

17 A Huh?

18 Q -- is that right? Did you say your favorite class
19 was -- one of them was Algebra one?

20 A Yes.

21 Q Yes, okay. What kind of school grades do you have
22 now? Do you do like -- are you familiar with like grades in
23 school like As or Bs or that?

24 A Yes.

25 Q Are you familiar with that? Yes?

1 A Yes.

2 Q Okay. And what kind of grades do you have now?

3 A I'm not sure.

4 Q You're not sure. You didn't get your report card
5 yet this year?

6 A No, not yet.

7 Q No? Okay. Now, when you were in the sixth grade,
8 what topics did you take in school? Do you remember those?

9 A I don't remember.

10 Q You don't remember? Okay. Do you remember what
11 kind of grades you got in the sixth grade?

12 A Well, they were pretty horrible grades.

13 Q I'm sorry?

14 A They were pretty horrible grades.

15 Q Pretty horrible grades?

16 A Yes.

17 Q Is that what you said?

18 A Yes.

19 Q What was your worst grade, do you remember?

20 A I'm not sure.

21 Q You're not sure? Do you remember what was your best
22 grade, then?

23 A I'm not sure.

24 Q Not sure? But you said -- did you like going to
25 school then, too, in the sixth grade?

1 A In the sixth grade, I didn't really like school.

2 Q You don't really like school?

3 A In the sixth grade I didn't really like school.

4 Q Oh, in the sixth grade. And how come?

5 A Well, in sixth grade, I -- well, I thought school
6 was pretty boring and I didn't really have that much fun in
7 sixth grade.

8 Q Okay. When you said it was boring, did you feel
9 that you knew that already? Is that why you said it was
10 bore?

11 A Could you repeat that, please?

12 Q Oh, yeah. You said you thought school was pretty
13 boring, right, in the sixth grade?

14 A Yes.

15 Q Okay. And I was trying to ask you why you thought
16 it was boring, and then I asked you is it because you knew
17 what the teachers was trying to teach you already or what?

18 A Well, back in sixth grade I was more into video
19 games.

20 Q Video games, okay.

21 A Yes.

22 Q I should -- let me ask you what were your favorite
23 video games in the sixth grade? Do you remember those?

24 A No, I don't remember.

25 Q Oh, you don't remember? Okay. But you remember

1 playing a lot of video games in the sixth grade?

2 A Yes.

3 Q Okay. Did your brother also like video games, too,
4 when you were in the sixth grade?

5 A I'm not sure.

6 Q Not sure? And did you play video games with your
7 brother when you were in the sixth grade against each other
8 or by yourself?

9 A I'm not sure.

10 Q Okay. If you didn't know how to play a video game,
11 who did you ask to teach you?

12 A If I didn't know how to play a video game? I don't
13 know.

14 Q Okay. Was the video games pretty easy to play? It
15 doesn't take a lot of special instructions?

16 A Yes.

17 Q So easy to play, huh? Okay. Did you play the games
18 a lot?

19 A Yes.

20 Q Okay. And when you would go over to your
21 grandmother Maria's house, did you bring those games to the
22 house when you went there, too?

23 A Could you rephrase that question?

24 Q Yeah. I mean, well, you said you really liked video
25 games in the sixth grade, right?

1 A Yes.

2 Q Yeah. So did you always have these video games with
3 you all the time or not?

4 A I didn't have them with me all the time.

5 Q Not all the time, okay. So do you remember bringing
6 these -- the video games to you when you went to your
7 grandmother Maria's house?

8 A No.

9 Q No? Okay. Now, you indicated that in June of 2015,
10 your grandmother Maria bought you a pack; is that correct?

11 A Yes.

12 Q Did you pick that pack out yourself or did she pick
13 it out for you?

14 A I'm not sure.

15 Q Not sure, okay. Were you happy with what you got?

16 A I was but it didn't really fit me so I gave it to my
17 dad.

18 Q I'm sorry?

19 A Well, I enjoyed having it, but it didn't really fit
20 to like how my size was so I gave it to my dad.

21 Q Oh, you gave it to your dad. And you bought a new
22 pack?

23 A In New Jersey we bought a new backpack.

24 Q Okay. Okay. Now, I'd like to show you what's been
25 marked as Exhibit A?

1 MR. LEE: And I don't know how --

2 THE COURT: Just a minute.

3 (Pause in the proceedings)

4 BY MR. LEE:

5 Q Would you look at that picture? Do you recognize
6 that picture?

7 A Yes.

8 Q Yes? And what is that?

9 A Like the computer room.

10 Q Is that the computer room? Okay.

11 A Yes.

12 Q There is -- is that the computer room at your
13 grandmother Maria's house?

14 A I'm not sure.

15 Q You're not sure? Okay. Let me show you another
16 picture. Maybe that might refresh your memory.

17 MR. LEE: I'm showing the witness what's been
18 marked as Exhibit B and C.

19 BY MR. LEE:

20 Q Would you look at these photographs, okay? Does
21 this help you recognize what room this is?

22 A Yes.

23 Q Okay. And what room is this?

24 A It's a computer room.

25 Q Computer room, okay. Now, if I looked at Exhibit

1 No. A, do you know whose computer that is?

2 A No, but [REDACTED] would usually play on that.

3 Q Okay. So can you put an M for me for [REDACTED]
4 computer?

5 A Okay. Right here?

6 Q Yes, uh-huh. Okay. And you hold onto that pen.

7 And do you recognize what's been marked as Exhibit C? Do you
8 know whose computer that one is?

9 A I don't know whose that is.

10 Q Okay. You don't know? Do you recognize that
11 computer at all?

12 A Uncle Kenny uses it.

13 Q Okay. Uncle Kenneth. Can you put a K right there?
14 Thank you. So -- and I'd like for you to look at what's been
15 marked as Exhibit B. Do you recognize that photograph?

16 A This one? Yes.

17 Q Yes, okay. Is that also in the computer room?

18 A Yes.

19 Q Okay. You notice that there is a dresser in the
20 room. Do you remember if there was a dresser there?

21 A Yes.

22 Q Yes. Okay. And there's some plugs here. You see
23 that? I'm pointing to some plugs in the picture here?

24 A Yes.

25 Q Okay. Do you ever use those plugs for your machine,

1 for your games? If you remember.

2 A I don't remember.

3 Q Okay, you don't remember. Okay. Thank you. Okay.
4 So what did you mark this? M is where -- that's the computer
5 that [REDACTED] plays in. Is -- when he's in -- when you go
6 over to the house, is that where he's usually sitting at or
7 not?

8 A Could you please rephrase?

9 Q Sure. You said your Uncle [REDACTED] is usually --
10 that's his -- that computer that he uses. Is that where your
11 Uncle [REDACTED] sits at when he's -- when you go into the room?

12 A Yes.

13 Q Yes, okay. All right. And what I showed you that
14 was marked as Exhibit C and you marked with K; do you see
15 that K?

16 A Yeah.

17 Q It says that's the computer that your Uncle Kenneth
18 uses; is that correct?

19 A Yes.

20 Q Yes, okay. And you said you've used this computer
21 before?

22 A H'm?

23 Q Have you used this computer before?

24 A Yes.

25 Q Okay. And when you go into the computer, is it

1 usually on or do they turn it on for you?

2 A I'm not sure.

3 Q Not sure, okay. That's all right. Okay. Now, you
4 said your brother was on -- jumping on your Uncle Kenneth's
5 back. Do you remember you say that?

6 A Um-h'm.

7 Q When you were in that room one time?

8 A Yes.

9 Q Okay. And can you tell me your Uncle Kenneth was
10 and your brother was at by marking a X? Can you do that? On
11 any one of the three photographs.

12 MS. CLEMONS: Your Honor, at this time, I'm going
13 to object on foundational bases. We don't know when this
14 photo was taken or if the room is set up the same as the last
15 time she went to the residence.

16 THE COURT: All right. So would you lay a better
17 foundation?

18 MR. LEE: Okay.

19 BY MR. LEE:

20 Q You said you recognize all these photographs, right?

21 A Yes.

22 Q And do these photographs represent the room as you
23 remembered it when you went to your grandmother Maria's house
24 last?

25 A When I remembered it, the bed was facing like --

1 Q And what you're pointing to is you remember as
2 Exhibit C, right? No? Yes or no?

3 A No.

4 Q You don't -- are you saying that you don't recognize
5 any of these photographs?

6 A I'm trying to say that like it's kind of changed
7 because the bed used to face another way.

8 Q The bed used to be somewhere -- another way, right?

9 A Yes.

10 Q Okay. And was there a bed in the room at the time
11 that you went there last?

12 A Yes.

13 Q Okay. And was the bed facing a different way?

14 A Yes.

15 Q Okay. And which -- you see what's been -- this
16 bottom photograph, what's been marked as Exhibit C; is this
17 bed facing the wrong way? Take your time.

18 A Yes.

19 Q Okay. And which way was it facing? You can draw a
20 arrow, if you want.

21 A The bed was facing like -- like top of it was facing
22 right here.

23 Q Okay. Just mark T for top right here.

24 THE COURT: No. We have this Elmo so that you can
25 display and she can see it on the screen and write on the

1 screen like --

2 MR. LEE: Okay.

3 THE COURT: -- Monday night football --

4 MR. LEE: Sure, let's do that.

5 THE COURT: -- and everything.

6 MR. LEE: Right.

7 THE COURT: So it might help the jury.

8 MR. LEE: That's the old fashioned way. Okay.

9 BY MR. LEE:

10 Q Do you see that -- you see that bed that's on there,
11 right? And you said it's facing the wrong way? Can you --

12 THE COURT: The screen right there.

13 BY MR. LEE:

14 Q -- use your finger and draw on the screen to tell me
15 which way the bed was facing at the other time?

16 A Right here.

17 Q So where you put as red dots is where the bed was
18 before, right?

19 A Yes.

20 Q And then the bottom of the bed, can you put a couple
21 dots again?

22 A Well, it was facing like right here.

23 Q Okay. So the top of the bed is the --

24 THE COURT: Okay. Well, you must have pressed a
25 button, Mr. Lee.

1 MR. LEE: I'm sorry.

2 THE COURT: I don't know what you did.

3 MR. LEE: What did I hit wrong, that's wrong?

4 THE COURT: Thank you.

5 (Pause in the proceedings)

6 BY MR. LEE:

7 Q I have to get used to the new technology myself.
8 Okay. So would you say that was a -- is this in the wrong
9 place, this dresser here? Was it there?

10 A It's in the wrong place.

11 Q It's in the place, okay. So where you put the two
12 top dots, that was where the head of the bed was, right, that
13 you remember?

14 A Um-h'm.

15 Q Okay. And --

16 THE COURT: Is that a yes? Is that yes?

17 THE WITNESS: Oh, yes.

18 THE COURT: Okay.

19 BY MR. LEE:

20 Q Yes.

21 A Sorry.

22 Q And then so the base bed was facing this way and
23 there's no dresser there, right? Is that correct?

24 A Yes.

25 Q Okay, good. Okay. Now, when you said your brother

1 was climbing on Uncle Kenneth's back, was he climbing on the
2 -- while you guys in the bed, when Uncle Kenneth was on the
3 bed or where?

4 A Can you --

5 Q Was Uncle Kenneth --

6 A -- repeat the question?

7 Q Sure. I'll try to make it shorter. Where was Uncle
8 Kenneth -- was Uncle Kenneth on the bed?

9 THE COURT: When?

10 BY MR. LEE:

11 Q The last time you went over to grandmother Maria's
12 house in the summer of 2015?

13 MS. CLEMONS: Your Honor, I'm still going to
14 object. That's really vague. I don't know what point of the
15 day? I mean, Kenneth could have been on the bed at any time.

16 THE COURT: Did you ever see --

17 MR. LEE: Okay, I'll -- I'm just trying to make it
18 easy, as easy as possible.

19 BY MR. LEE:

20 Q Okay. You said before, you remember saying that
21 your brother [REDACTED] was climbing on Uncle Kenneth's back; do
22 you remember saying that a little earlier?

23 A Yes.

24 Q Okay. At that time describing it, was -- were they
25 on the bed or on the floor or where were they?

1 A On the floor.

2 Q Okay. Go ahead and put a X where they were. Okay.
3 So they were on the floor, okay. And then was -- I can't
4 remember, did you say was Uncle ██████ in the room?

5 A I don't remember.

6 Q You don't remember, okay. And why was Uncle Kenneth
7 on the floor with ██████ at that time? Did ██████ just come
8 up and jump on his uncle's back?

9 A H'm?

10 Q Well, let me do it this way. Before ██████ jumped
11 on Uncle Kenneth's back, where was Uncle Kenneth in the room?

12 A Where was Uncle Kenneth in the room?

13 Q Yes. Where was Uncle Kenneth?

14 A Well, he was like right here.

15 Q Go ahead and -- he was right where you put the
16 arrow?

17 A Yes.

18 Q Is that where he was? And then what was Uncle
19 Kenneth doing on the -- was he on the floor?

20 A Yes.

21 Q Okay. When did ██████ come over to jump on his
22 back? Do you remember?

23 A I don't remember.

24 Q You don't remember? Okay. Were they wrestling
25 first or was he -- what was Uncle Kenneth doing to ██████ at

1 that time, do you remember?

2 A I don't remember.

3 Q Okay, you don't remember, okay. But you remember
4 [REDACTED] on Uncle Kenneth's back? You remember that, right?

5 A Yes.

6 Q Okay. And that's where you indicated on that corner
7 there. When you were doing that, where were you?

8 A I was like right over here near the doorway.

9 Q Go ahead and mark where you --

10 THE COURT: Go ahead and write on the screen, hon.

11 THE WITNESS: This is like -- it's further away in
12 the --

13 BY MR. LEE:

14 Q It's further down? It's not in the picture?

15 A Yes.

16 Q Okay. I'm going to show you another picture, what's
17 been marked as Exhibit C. Is that a better picture of the
18 room or not? I can show you the other if that is not.

19 A To show where I was?

20 THE COURT: To show where I was, she said.

21 BY MR. LEE:

22 Q Yeah, show where you were, right. If not a good
23 picture, I can show you another picture.

24 A No.

25 Q Let me show you with Uncle [REDACTED] computer, and

1 maybe that might be a better drawing. Is that better?

2 A No, not really.

3 Q Okay. Do you remember how far you were away from
4 them? Were you close by, feet or were you close by?

5 A I was close by.

6 Q You were close by, okay. And were you sitting or
7 were you standing?

8 A Sitting.

9 Q You were sitting. Okay. So you were sitting close
10 by. Were you playing a game or what were you doing at the
11 time? Do you remember?

12 A Could you please repeat the question?

13 Q Yeah, sure. And you can ask me to repeat anything
14 many times, okay?

15 A Okay.

16 Q Any time you feel like it.

17 THE COURT: All right. Just a minute. We've got
18 problems. We need to move the mic. Thank you.

19 BY MR. LEE:

20 Q Now, do you remember what you were doing when you
21 were sitting? Were you sitting like crisscross apple sauce
22 or what were you doing?

23 MS. CLEMONS: Your Honor, I'm going to object. I'm
24 confused as to when in the day, what day we're at. He's kind
25 of jumping around all over the place so I think it's vague.

1 THE COURT: All right.

2 MR. LEE: Your Honor --

3 THE COURT: Sustained. We need to really drill
4 down so --

5 MR. LEE: Okay.

6 BY MR. LEE:

7 Q I'm talking about the time, the day that you said
8 Uncle Kenneth touched you. Do you remember that day?

9 A Yes.

10 Q Okay. So every question I'm going to be asking you
11 is regarding the day that uncle -- that you said Uncle
12 Kenneth touched you, okay?

13 A Okay.

14 Q Okay. Now, you said that [REDACTED] was on Uncle
15 Kenneth's back the day that Uncle Kenneth touched you; that
16 is correct?

17 A Yes.

18 Q Okay. And you said -- and you pointed out in one of
19 the photographs where they were at, and you said you were
20 close by; is that correct?

21 A Yes.

22 Q Okay, all right. Now, and when you -- before
23 anything or before Uncle Kenneth touched you, what were you
24 doing at the time, do you remember?

25 A I don't remember.

1 Q Okay, don't remember. Okay. Then what happened
2 next?

3 THE COURT: What happened next when?

4 BY MR. LEE:

5 Q Well after you said Uncle Kenneth -- uncle -- you
6 were sitting close by, [REDACTED] on Uncle Kenneth's back okay?
7 And then was -- and then what happened next that Uncle
8 Kenneth did to you?

9 A Well, then Uncle Kenneth like he grabbed my leg and
10 pulled me and then he pulled down my pants and --

11 Q Okay. So he said -- so while [REDACTED] was on Uncle
12 Kenneth's back, you're saying Uncle Kenneth, did he reach
13 over and grab your legs? Is that what he did?

14 A He reached over, grabbed my legs and pulled me.

15 Q And then pulled your -- what you were wearing down;
16 is that correct?

17 A First he pulled me by the leg and then he pulled
18 down my --

19 Q Okay. And where was [REDACTED] at all this time? Was
20 [REDACTED] still on the back?

21 A Yes.

22 Q He was on the back?

23 A Yes.

24 Q And did [REDACTED] say anything at that time?

25 A I'm not sure.

1 Q Okay. Do you remember if Uncle [REDACTED] walked in or
2 was in the room at that time?

3 A I'm not sure.

4 Q You're not sure? Okay. And you said after that
5 happened, you were trying to get out, right?

6 A Yes.

7 Q And how soon after that, did you get out of the
8 room?

9 A I'm not sure.

10 Q You're not sure, okay. And you said you didn't
11 scream or make a sound; is that correct?

12 A Yes.

13 Q Okay. And your dad, Amor, was at the house at the
14 same time or not?

15 A He was at the house at the same time.

16 Q He was at the house at the same time, okay. And do
17 you know where he was at, at that time? Do you know if he
18 was in the other room or not?

19 A He was in the living room.

20 Q He was in the living room, okay. Okay. And when
21 you went out, did you say anything to anybody then? To your
22 dad?

23 A No.

24 Q No. Was your grandmother Maria talking with your
25 dad at that time?

1 A I'm not sure.

2 Q You're not sure, okay. But your grandmother Maria
3 was also at the house at that time, correct?

4 A I'm not sure.

5 Q Not sure, okay. And after you saw your dad, did you
6 stay in the living room or did you go back in the game room?

7 A Could you please rephrase?

8 Q Yeah. After you -- you said your dad was in the
9 other room, you were trying to get out, right?

10 A Yes.

11 Q Did you eventually leave the room?

12 A Yes.

13 Q Okay. And which room did you go into? Did you go
14 in the room where your dad was sitting at?

15 A I'm not sure.

16 Q Not sure, okay. Do you know if your dad, you and --
17 did your dad drive you and [REDACTED] home right away or did they
18 stay longer; do you remember?

19 A Could you please repeat the question?

20 Q Sure. Okay. You went back and you saw your dad,
21 right? Okay. And did your dad stay or did he -- did your
22 dad stay longer in the room, the living room, or did you go
23 home right away?

24 A I'm not sure.

25 Q Not sure, okay. And do you know if your dad drove

1 you home that night? That day that when Uncle Kenneth
2 touched you?

3 A Yes.

4 Q Your dad drove you home that day, okay.

5 MR. LEE: Okay. I have no -- I'll pass the
6 witness.

7 THE COURT: Redirect?

8 MS. CLEMONS: Thank you, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. CLEMONS:

11 Q [REDACTED] I just have couple more questions for you.
12 So you talked about after you got back from New Jersey you
13 went over to Grandma Maria's house; do you remember that?

14 A Yes.

15 Q Okay. Do you remember when you went over to Grandma
16 Maria's if you talked to Uncle Kenney at all that time?

17 A No.

18 Q You didn't -- that was a bad question. Did you talk
19 to Uncle Kenny at all that time?

20 A No.

21 Q You did not talk to him?

22 A No.

23 Q Okay. Okay. Mr. Lee had showed you part of your
24 statement when he questioned you, and you said you didn't
25 remember -- he asked you if you thought you went over to

1 Grandma Maria's on the week day or the weekends. Do you
2 remember Mr. Lee showing you your statement?

3 A Yes.

4 Q Okay. And then you said you read it and you don't
5 remember what you said; is that fair?

6 A Uh --

7 Q Do you want to read it again just to see if you
8 remember?

9 A Could you restate the question?

10 Q Yeah. Sorry. I'm trying to like speed it up a
11 little bit, but I'll slow down. Do you remember when you
12 went to Grandma Maria's house, would it be on the weekends or
13 the week days usually?

14 A I'm not sure.

15 Q Okay. Do you remember Detective Hoyt asking you if
16 it was the weekend or the week day?

17 A Yes.

18 Q Okay. Do you remember what you said?

19 A Well, weekend.

20 Q Weekend? Okay. The shopping trip that you went on
21 with your grandmother, was that before you went to New Jersey
22 or after?

23 A I'm not sure.

24 Q Okay. I think you said that you got a backpack from
25 your grandmother; is that right?

1 A Yes.

2 Q Okay. And then when you went to New Jersey you got
3 a different backpack; is that right?

4 A Yes.

5 Q Does that help you remember if it was before or
6 after New Jersey?

7 A Yes.

8 Q Was it before or after?

9 A Before.

10 Q Before, okay. Who went shopping with you that time
11 when you went with grandma? Was it just you and grandma or
12 other people?

13 A Grandma, me, my brother and -- and Uncle Kenneth.

14 Q And Uncle Kenneth, okay. Okay. So Mr. Lee asked
15 you a couple times if you remembered what [REDACTED] was doing
16 the last time Uncle Kenny touched you. Do you remember him
17 asking you those questions?

18 A Yes.

19 Q Okay. And I think you said you didn't remember what
20 Uncle [REDACTED] was doing; is that right?

21 A Yes.

22 Q Okay. Do you remember Detective Hoyt asking you
23 what Uncle [REDACTED] was doing?

24 A Yes.

25 Q Okay. Do you remember what you told him?

1 A No.

2 Q Okay. Do you think it would help to refresh your
3 recollection to read your statement?

4 A I don't know.

5 Q Do you want to try and see if it helps?

6 A Yes, please.

7 Q Okay.

8 (Pause in the proceedings)

9 BY MS. CLEMONS:

10 Q You done?

11 A Yes, sorry.

12 Q Does that help you remember what Uncle [REDACTED] was
13 doing?

14 A No.

15 Q No? Okay. So do you remember telling Detective
16 Hoyt that [REDACTED] was sleeping?

17 A No.

18 Q No? Okay. We've talked a lot about the last time
19 that Uncle Kenny touched you. Do you remember how many times
20 Uncle Kenny has touched you?

21 A Five.

22 Q Five, okay. And was it when you were 11 years old
23 or was this before?

24 A Before.

25 Q Before? When did it start before? How old were

1 you?

2 A Could you please rephrase?

3 Q Yeah. So you said it was before you turned 11. Do
4 you remember how old you were the first time?

5 A I don't remember.

6 Q Okay. Do you think it was before sixth grade or was
7 it always during sixth grade?

8 A I'm not sure.

9 Q Okay, that's fine. When Uncle Kenny would touch
10 you, would it be the same thing every time or was it ever
11 different?

12 A Sometimes it was different.

13 Q How would it be different?

14 A Well, there was this one time he touched me on top
15 of my clothes.

16 Q Okay. And were you at Grandma Maria's or were you
17 somewhere else?

18 A Grandma Maria's.

19 Q Okay. Do you remember how old you were that time?

20 A No.

21 Q Okay. What were you doing right before he touched
22 you on top of your clothes?

23 A Playing the computer.

24 Q And what part of his body did he use to touch your
25 body?

1 A His hand.

2 Q His hand? And what part of your body did he touch?

3 A Private area.

4 Q Okay. Is that the same area you described earlier?

5 A Yes.

6 Q Okay. Was anybody else in the room when that
7 happened?

8 A My brother.

9 Q Brother. And Lee had showed you -- I'm going to
10 show you Defense Exhibit A-10 or A. So in this exhibit you
11 put an M on, I guess, [REDACTED] computer. Do you remember if
12 you were playing [REDACTED] computer or the other one when
13 Uncle Kenny touched you over your clothes?

14 A The other one.

15 Q The other one? Okay. So this is Exhibit C.
16 There's a K that you had put on that picture; is that right?

17 A Yes.

18 Q Is that the computer you were playing at when Uncle
19 Kenny touched you over your clothes?

20 A Yes.

21 Q Okay. And I know the room was set up differently,
22 but was that computer always in the same place?

23 A I'm not sure.

24 Q Okay, that's fine. Okay. Actually, on this one
25 also, this is still Exhibit C, you made a mark on here as to

1 where Uncle Kenny and your brother and kind of where you were
2 when he touched you that last time on the floor; do you
3 remember doing that?

4 A Yes.

5 Q Okay. And I believe it was back down this corner;
6 is that fair? Is that where you put that mark?

7 A Yes.

8 Q Okay. So it looks like this is a wall. Do you know
9 what's -- if the picture kept going to the left, what would
10 be over here?

11 A A door.

12 Q And where does that door lead to?

13 A The hallway.

14 Q The hallway, okay? When you -- so you talked about
15 how you were down on the floor and that your brother jumped
16 on Uncle Kenny's back; do you remember that?

17 A Well, I said, climb on his back.

18 Q Oh, sorry. Thank you. I want you to correct me if
19 I'm wrong so thank you. Did your brother climb on Uncle
20 Kenny's back before or after Uncle Kenny had touched your
21 private area? Or during?

22 A Before and during.

23 Q Okay.

24 MS. CLEMONS: Court's indulgence. We'll pass the
25 witness.

1 THE COURT: Any recross?

2 MR. LEE: Just one or two questions so you can go
3 have lunch.

4 RECROSS-EXAMINATION

5 BY MR. LEE:

6 Q Before -- I noticed that when you answer questions,
7 you wait a while. Is that so that you can understand the
8 question before you answer?

9 A Yes.

10 Q Did anybody tell you what to say before you came
11 here?

12 A Well, my mom said to tell the truth and do not make
13 up stories.

14 Q Okay. And when you're thinking like that, did your
15 mom tell you what to say?

16 A Huh? Only to tell like the truth or --

17 Q Okay.

18 A Yeah.

19 Q Okay. Anybody tell you what to say today?

20 A Huh? Could you please rephrase?

21 Q Sure. Did anybody tell you what to say today?

22 A Like, what to directly say?

23 Q Yeah, did anybody tell you what to say if you were
24 asked questions?

25 A Could you please rephrase?

1 Q Did -- your mom said tell the truth, right?

2 A Yes.

3 Q And I'll be specific. Did your mom tell you what to
4 say when you're asked certain questions?

5 A Could you explain what the question means?

6 Q Sure.

7 THE COURT: Can I ask her a question here? Did
8 your mother tell you what to say?

9 THE WITNESS: No.

10 THE COURT: Did she tell you anything other than to
11 tell the truth?

12 THE WITNESS: She told me that lying is bad and
13 that my uncle is -- or my other uncle, my Uncle Gin Gin
14 (phonetic) said -- or not said. He is fighting in the
15 military just so citizens can fight for their right, and
16 also, that what Uncle Kenny did was wrong and to only say
17 what you remember.

18 BY MR. LEE:

19 Q Okay. Did anybody else tell you anything about what
20 to say if asked a question? Anybody else other than your
21 mother?

22 A I mostly talked to my mother.

23 Q You only talk to your mother?

24 A I mostly talked to my mother.

25 Q Okay. Did you talk to your dad about this?

1 A I have talked to my dad.

2 Q You talked to your dad?

3 A Yes.

4 Q Did your tell you what to say when you came today?

5 A Well, I barely talked to him about like the court
6 thing or what to say, but --

7 Q Okay.

8 A -- in the car he tells me to say the truth, like my
9 mom tells me to.

10 Q Okay. All right. Okay.

11 MR. LEE: I don't have any further questions, Your
12 Honor.

13 THE COURT: Thank you.

14 MS. CLEMONS: I just have a really, really brief
15 follow-up.

16 THE COURT: Okay.

17 FURTHER REDIRECT EXAMINATION

18 BY MS. CLEMONS:

19 Q We didn't go over this earlier because you take
20 Algebra, but I just wanted to make sure, do you know the
21 difference between a truth and a lie?

22 A Yes.

23 Q Okay. What's the truth?

24 A The truth is like something that actually happened
25 and isn't something that's fake or made up.

1 Q Okay. What's a lie?

2 A A lie is something that is made up or that's not
3 true.

4 Q Okay. If I said I have green hair, is that a truth
5 or is that a lie?

6 A A lie.

7 Q Why is that a lie?

8 A Because you don't have green hair.

9 Q What color is my hair?

10 A Blond.

11 Q Okay. And today when you came into court, did you
12 tell the truth?

13 A Yes.

14 Q Okay.

15 MS. CLEMONS: Thank you, Your Honor.

16 THE COURT: Thank you. Questions from the jury? I
17 see no hands. All right. So may this witness be excused
18 now?

19 MS. CLEMONS: Yes.

20 MR. LEE: Yes, Your Honor.

21 THE COURT: Thank you very much for your testimony,
22 [REDACTED]

23 (Pause in the proceedings)

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to take an hour recess for lunch. And, you know, you

1 can go anyplace, but you need to be back in an hour. So
2 there is a sandwich shop downstairs, and there are a couple
3 restaurants that are close by in case you didn't pack
4 yourself a lunch.

5 And so during this recess, it is your duty not to
6 converse among yourselves or with anyone else on any subject
7 connected with the trial or to read, watch or listen to any
8 report of or commentary on the trial by any person connected
9 with the trial or by any medium of information, including
10 without limitation, newspaper, television, radio or Internet.
11 And you are not to form or express an opinion on any subject
12 connected with this case until it's finally submitted to you.

13 And of course, don't do any research or
14 investigation, experimentation, et cetera on your own. I'll
15 see you in an hour.

16 THE MARSHAL: All rise for the jury, please.

17 (Outside the presence of the jury.)

18 THE COURT: And the record will reflect that the
19 jury's departed the courtroom. Any matters outside the
20 presence before we recess for lunch?

21 MR. LEE: None, Your Honor.

22 MS. CLEMONS: None from the State.

23 THE COURT: Thank you.

24 MS. CLEMONS: Thanks.

25 THE COURT: See you in an hour.

1 MS. CLEMONS: Thanks.

2 (Court recessed at 12:37 p.m. until 1:44 p.m.)

3 (In the presence of the jury.)

4 THE MARSHAL: Your Honor, all members of the jury
5 and the two alternates are present.

6 THE COURT: Thank you. Please be seated. And the
7 record will reflect we're back within the presence of all 12
8 members of the jury as well as the two alternates. The
9 defendant is present with his counsel. The Chief Deputies
10 District Attorney prosecuting the case are present, as are
11 all officers of the court. And you may call your next
12 witness.

13 MS. CLEMONS: Dr. Sandra Cetl.

14 (Pause in the proceedings)

15 DR. SANDRA CETL, STATE'S WITNESS, SWORN

16 THE CLERK: Thank you. Please be seated. Please
17 state and spell your name for the record.

18 THE WITNESS: Dr. Sandra, S-a-n-d-r-a, Cetl,
19 C-e-t-l.

20 MS. CLEMONS: Thank you.

21 DIRECT EXAMINATION

22 BY MS. CLEMONS:

23 Q How are you employed?

24 A So I'm a pediatrician in Southern Nevada that
25 evaluates child abuse concerns. I also work as an emergency

1 room physician. I work out of two facilities, mainly Sunrise
2 Children's Hospital, both the emergency department and the
3 rest of the pediatric floors, and then I work at the Southern
4 Nevada Children's Assessment Center.

5 Q Okay. Can you tell me a little bit about the
6 Southern Nevada Children's Assessment Center?

7 A Yes. So we call it the CAC for short. And
8 basically, that is a building where we try to set up a
9 multi-disciplinary evaluation center for children when
10 there's concerns of sexual abuse or even physical abuse and
11 neglect. And what happens there, from my perspective, we
12 have a medical clinic that we hold twice a week to evaluate
13 and do examinations of children when there's concerns of
14 sexual abuse.

15 Additionally, there is full support staff for those
16 children there. There's psychiatric and psychological
17 referrals, Child Protective Services, law enforcement is
18 housed there. We also have forensic interviewers, and
19 basically any of the services they may need if there's a case
20 open so kids don't have to travel anywhere else. It's kind
21 of the one-stop-shop for child sexual abuse concerns.

22 Q Okay. How long have you been at the CAC?

23 A Six-and-a-half years now, I believe.

24 Q And what about the pediatric department at Sunrise?

25 A Also six-and-a-half years as an attending and then

1 three years prior to that as a resident.

2 Q Prior to being employed in Las Vegas at those two
3 places, where else have you worked?

4 A Prior to that it was medical -- just medical school,
5 medical and college.

6 Q Where did you go to medical school?

7 A University of Vermont.

8 Q And you did your residency at Sunrise?

9 A Yes. Between Sunrise and UMC.

10 Q So can you just give a brief summary of your medical
11 training regarding children?

12 A Sure. So after medical school, which was at the
13 University of Vermont. That's a four-year program in which
14 I'm a medical doctor when that's finished, but we go into
15 speciality residencies after that. So at the University of
16 Nevada, which was held here in Las Vegas, it's a three-year
17 pediatric speciality residency.

18 And then in addition to that, I obtained an
19 apprenticeship with a child abuse pediatrician that was here.
20 Yearly I attend several conferences, both in person and
21 online. My continuous continuing medical education and then
22 have a peer review process. I additionally work out of the
23 emergency department and so there's upkeep and into my
24 medical education with that as well.

25 Q Okay. So since you've started working in Las Vegas

1 at the CAC and Sunrise, it's going to be tough, but can you
2 estimate how many number of exams you performed on children,
3 either on like a monthly basis or --

4 A On all exams? Probably the last time I estimated
5 was like 15; 20,000 for all exams.

6 Q What about the ones that are specialized about
7 seeing about sexual abuse?

8 A Yeah, so sexual abuse about -- so let's see, so for
9 six years, probably three to -- 3,000; 4,000.

10 Q Have you ever performed an exam on an [REDACTED]

11 [REDACTED]

12 A No, I did not.

13 Q Okay. So when you have children come in and they're
14 suspected of possibly being abused, when they go to the CAC,
15 what type of exam is that called?

16 A Well, it's called a non-acute or non-emergent exam.

17 Q And what's the goal of that kind of exam?

18 A So kind of the opposite of as an acute or emergency
19 exam that happens usually in the emergency department, a
20 non-emergency exam, the goal is for patient reassurance. We
21 don't collect any DNA or anything like that because
22 basically, by the time concerns came up, there was no
23 possibility of gathering any evidence. It was weeks, days,
24 months, whatever it is, years later.

25 And so what we do is each patient gets about an

1 hour to an hour-and-a-half exam. We do a head to toe
2 examination. I do a specialized examination of their
3 genitals. I also test for sexual transmitted infections.
4 Sometimes I talk to the child, but also, my staff talks to
5 the child. We see if they need referrals to anything from
6 counseling to dentists or an eye exam or anything like that.
7 So it's kind of a comprehensive exam to reassure the child
8 that their bodies look normal, answer any questions they have
9 and make sure that they don't have any infections or
10 permanent injuries or anything like that.

11 Q Okay. And acute exam, what's the goal of that exam?

12 A So the goal of that exam, very similar. Pretty much
13 all the same components, but the addition to an acute exam is
14 that whatever concern came up the last possible contact was
15 within that day or a few days from the time we're seeing the
16 child, so we might additionally try to collect evidence in
17 some type of a kit form.

18 Q Okay. So is there a cut off time for an acute and a
19 non-acute?

20 A Yeah, I mean, it depends on the age. So before
21 puberty. So we usually say about 13 or so, it's about 72
22 hours for the cut off to do the exam. Most of the evidence
23 we find for pre-pubertal or the younger kids are kind of the
24 first 24 hours. But we will test them up to 72 hours. After
25 that, we sometimes will test them up to five days or so.

1 Q Okay. So just so I'm clear, if -- so and that means
2 the last time the child is saying that they were sexually
3 abused --

4 A That's correct.

5 Q -- had to occur at a maximum five days ago?

6 A That's correct.

7 Q Okay. So anything more than five days you're going
8 to look at more of the non-acute, non-emergency exam; is that
9 fair?

10 A That is correct, yes.

11 Q Okay. What about a case that it's been about three
12 months? What type of exam -- if an exam was done, what type
13 of exam would you expect?

14 A That would be a non-acute exam. That would be defer
15 to our clinic services.

16 Q Okay.

17 MS. CLEMONS: Court's indulgence. I'll pass the
18 witness, Your Honor.

19 THE COURT: Cross?

20 MR. LEE: Just a couple questions.

21 THE WITNESS: Sure.

22 CROSS-EXAMINATION

23 BY MR. LEE:

24 Q When you're asked to testify, do you usually do it
25 for the defendant or do you do that for the State or --

1 A I do it for everybody who asks. Anybody who asks.
2 So I think I've mostly been asked by the prosecution to come
3 and to testify.

4 Q Okay. And as you indicated, you did not make a
5 examination or do an examination of [REDACTED] in this
6 case; is that correct?

7 A That is correct.

8 Q Okay. Thank you.

9 A You're welcome.

10 MS. CLEMONS: Nothing further.

11 THE COURT: May this witness be excused? Do the
12 jury members have any questions? Seeing none, she may be
13 excused?

14 MS. CLEMONS: Yes.

15 THE WITNESS: Thank you very much.

16 THE COURT: Thank you very much for your testimony.

17 MS. CLEMONS: And Your Honor, our next witness is
18 going to be Janice Flores. She is on the third floor of the
19 -- and will actually be up right now. So it just might be a
20 few minutes.

21 THE COURT: All right. The jury will be at ease,
22 and we'll go off the record while we wait the next witness.

23 (Court recessed at 1:52 p.m. until 1:59 p.m.)

24 JANICE FLORES, STATE'S WITNESS, SWORN

25 THE WITNESS: Flores.

1 THE COURT: Pull up your chair so you're closer to
2 the microphone. There you go.

3 THE WITNESS: My name is Janice Flores.

4 THE COURT: And spell it, please.

5 THE WITNESS: J-a-n-i-c-e. F-l-o-r-e-s.

6 THE COURT: Thank you.

7 DIRECT EXAMINATION

8 BY MS. CLEMONS:

9 Q Good afternoon, Ms. Flores. Who do you live with in
10 your house?

11 A It's my husband, my two kids, my mom and my step
12 dad.

13 Q What are your two kids' names?

14 A My daughter's name is [REDACTED]. And my son's
15 name is [REDACTED].

16 Q And do you call them by their middle names?

17 A I call -- my daughter, I call her by [REDACTED] (phonetic).

18 Q Okay.

19 A And my son is [REDACTED] (phonetic).

20 Q Okay. So your daughter, how old is she?

21 A She's 13.

22 Q What about your son, how old is he?

23 A Eight.

24 Q Eight. And does -- who's -- are you married?

25 A Yes, ma'am.

1 Q And what's your husband's name?

2 A Amor Antonio Flores.

3 Q Okay. Does he have family in town, in Las Vegas?

4 A Yes.

5 Q What are the names of the family members of your
6 husband's in Las Vegas?

7 A His mom's name is Maria. His brothers name are
8 Kenneth and [REDACTED]

9 Q Do you see Kenneth in court today?

10 A Yes.

11 Q Can you please point to him and tell me something
12 he's wearing right now?

13 A He's wearing kind of gray or brown suit with
14 eyeglasses.

15 MS. CLEMONS: May the record reflect identification
16 of the defendant?

17 THE COURT: What color is his tie?

18 THE WITNESS: Tie is color blue.

19 THE COURT: It will.

20 MS. CLEMONS: Thank you, Your Honor.

21 BY MS. CLEMONS:

22 Q I'm going to show you what's been marked as State's
23 Proposed Exhibit 1. Let me know if you recognize this photo.

24 A Yes.

25 MS. CLEMONS: Can the Clerk hear me? Okay.

1 BY MS. CLEMONS:

2 Q How do you recognize that photo?

3 A The one in the -- the female one is my daughter, and
4 the male one is my son.

5 Q Okay. Do you remember what year that photo was
6 taken?

7 A This is around July.

8 Q Was it this year or was it last year?

9 A I believe it was last year.

10 Q Okay. Do you know how old [REDACTED] is in that photo?

11 A She's [REDACTED] so she just turned 13. 12 -- 11
12 and a couple of months.

13 Q Okay. And these are fair and accurate pictures of
14 [REDACTED] and your son back in 2015?

15 A Yes. We went to New Jersey that time to visit my
16 family.

17 Q Okay.

18 A And we just kind of did a tour in New York.

19 Q Okay.

20 MS. CLEMONS: State moves to admit Proposed
21 Exhibit 1.

22 THE COURT: Any objection?

23 MR. LEE: No objection, Your Honor.

24 THE COURT: It will be admitted.

25 (State's Exhibit 1 admitted)

1 MS. CLEMONS: Thank you. Permission to publish?

2 THE COURT: Granted.

3 BY MS. CLEMONS:

4 Q Okay. So if you look on the screen right there,
5 just so the jury can see, you said -- indicated that this is
6 [REDACTED] at 11 years old; is that right?

7 A Yes, ma'am.

8 Q Okay. And then that's your son, [REDACTED] do you
9 remember how old he was in that photo?

10 A October. Six and a couple of months.

11 Q Okay. Okay. So I'm going to now direct your
12 attention to September of 2015. So that would be a couple
13 months after this photo. Did you learn of an incident of
14 [REDACTED] being touched inappropriately around that time?

15 A Yes.

16 Q Okay. And how did you learn about this?

17 A I don't know the exact date, but I know that I was
18 working that day. I work midshift, so I got off around 11:00
19 o'clock to 11:30, and I receive a phone call from May Denina.

20 Q Okay. Let me stop you real quick. Where do you
21 work?

22 A I work at the VA Hospital.

23 Q Okay. Is that's where you were getting off of work?

24 A Yes.

25 Q And what do you do there?

1 A I'm a nurse, ma'am.

2 Q Okay. And how do you know May Denina?

3 A May is our family friend. We've known her for -- my
4 daughter was six months old when the time I met them. But my
5 husband knows them longer than that.

6 Q Okay. And so May's married?

7 A May's married, yes.

8 Q What's her husband's name?

9 A Anthony, I'm sorry.

10 Q Are you nervous?

11 A Yes.

12 Q Yeah, it's nerve wracking to testify. So just take
13 a deep breath. It's okay. Does May have any kids?

14 A Yes.

15 Q How old are -- or what the names of her kids and how
16 old, if you know?

17 A The oldest one is [REDACTED] The middle one is -- we call
18 her -- we call him [REDACTED] (phonetic), but his name is

19 [REDACTED]

20 Q Okay.

21 A And then the youngest one is [REDACTED]

22 Q Okay. Is [REDACTED] older or younger than [REDACTED]

23 A [REDACTED] is younger than [REDACTED]

24 Q Is he older or younger than [REDACTED]

25 A He's older than [REDACTED]

1 Q What about the other two, [REDACTED] is he -- do you
2 know how old he is?

3 A My daughter is the oldest one.

4 Q Okay.

5 A And then the three kids, and then my son.

6 Q Okay.

7 A So all three are older than my son, but younger than
8 my daughter.

9 Q Okay. That makes sense.

10 A Yeah.

11 Q Thank you. So I don't want you to tell me what May
12 told you, but based upon what she had told you, what -- you
13 know, how did you feel?

14 A At that time, when she told me what happened, I was
15 trying to recall because she said something bad -- she's not
16 sure that if something bad happened. If that thing happened
17 in New Jersey, but her kids are saying that it's my husband's
18 brother. So I was trying to explain to her that my husband's
19 brother lives in Las Vegas. If something happened -- bad
20 thing happened to her in New Jersey, then it's my brother's.
21 And she explain to me like how -- how my daughter was
22 touched. Initially, I thought it really happened in New
23 Jersey. So I told her I can't believe that my brothers will
24 do that, but if my daughter said this thing, then that means
25 someone did it to her because she can't -- there's no way

1 that she can say that thing.

2 Q So was there a bit of confusion at first at to where
3 this happened and maybe who did it?

4 A Yes.

5 Q Based upon what you -- the information you got from
6 May?

7 A Yes. Initially, I thought everything happened in
8 New Jersey.

9 Q Okay. Did you talk to [REDACTED] about what happened?

10 A Yes.

11 Q Was that the same day May told you or was it a
12 different day?

13 A I was driving when she called me. She was on
14 speaker phone, and then I told her, (indecipherable) hung up
15 the phone, I'm already here. I will talk to my daughter. So
16 I went upstairs and I saw my daughter and my son sleeping.
17 Initially, I was going to wait until the morning until she
18 wakes up, but I'm just really bothered about what I heard.
19 So I woke her up.

20 Q Okay. Do you know what time that was, do you think?

21 A It's probably past 11:00 -- probably around 12:00
22 midnight because I get off at 11:30, and the -- my travel is
23 30 minute -- like 20 to 30 minutes.

24 Q Okay. And did you ask her what had happened to her?

25 A I have to wake her up and I ask her what happened.

1 Q Did she help to clarify where it happened and who
2 did it?

3 A Yes. I -- I woke her up and then I ask her
4 (speaking foreign language) because I called him (speaking
5 foreign language), it's like our term for our child.

6 Q Okay.

7 A Initially, I ask her (speaking foreign language) did
8 -- are you okay? She said, yes, mom. And I ask her did
9 something bad happen to you? She said, no. Is there
10 anything that you want to tell me? And she said no, mom.
11 And so I just went to, like your friends told me what
12 happened, and I'm not going to say who, but they're just
13 really concerned. Did something bad happen in New Jersey?
14 She said, no. And then I ask her did Uncle Jason, my younger
15 brother, did Uncle Jason did something bad to you in New
16 Jersey? She said, no.

17 Did Uncle JP, my older brother -- did Uncle JP did
18 something bad to you? And she said, no. What about Uncle
19 Gin Gin? Uncle Gin Gin is my cousin.

20 Q Okay?

21 A Because when we went to New Jersey, it's like a
22 family reunion.

23 Q Okay.

24 A And then she said no. What about Tita Abby
25 (phonetic) and Tita -- I -- I went one by one.

1 Q Okay.

2 A Whoever is in -- in that -- whoever -- whoever is in
3 New Jersey that time until I went to Jermarie (phonetic),
4 their cousin, it's like a same age with them. Did Jermarie
5 did something bad? And she said, well, Jermarie made her
6 feel bad because he said that he will not going to miss them
7 when they go back in Vegas.

8 Q Okay.

9 A So I know I'm not going to get anything from her so
10 I just told her that you were crying at the (speaking foreign
11 language).

12 Q What that?

13 A Which is -- which is our church.

14 Q Okay.

15 A You were crying at the (speaking foreign language)
16 and you said something to your friends.

17 Q Did you see her crying at the church or is this the
18 information you got from May?

19 A This the information I got from May.

20 Q Okay. So you basically told [REDACTED] I know you were
21 crying at church --

22 A Yes.

23 Q -- and you said something --

24 A But I did not -- I did not ask her the story yet.

25 Q Okay.

1 A I don't remember anymore like the whole details
2 because I'm -- but there's like a point in there that who did
3 it. I ask her who did it, and he said Uncle Kenny. And then
4 I was -- I don't know what happened that time, she was saying
5 something, but a lot of things is going on in my mind, and
6 then I just kind of like took a break and then ask her, can
7 you tell me what happened?

8 So I was hugging her --

9 Q Okay.

10 A -- and she was here and her head is here.

11 Q Okay. So and just for the record, she's pointing to
12 her shoulder and kind of that [REDACTED] nestled in your
13 armpit is on your side?

14 A On my side.

15 Q Okay.

16 A And she was holding on my -- on my shirt.

17 Q Okay.

18 A Below my breast.

19 Q Okay.

20 A And I ask her what happened? She said Uncle Kenny
21 pulled my pants up to here.

22 MR. LEE: Objection, Your Honor.

23 MS. CLEMONS: Just for the record, she's touching
24 her knee.

25 THE COURT: Record will so reflect. Your legal

1 objection?

2 MR. LEE: Not that she's pointing down, but I made
3 an objection she's making a statement that's hearsay, Your
4 Honor.

5 THE COURT: Response.

6 MS. CLEMONS: [REDACTED] indicated during her
7 examination she could not recall what she told her mom at the
8 time so it would be offered for impeachment evidence.

9 THE COURT: All right. That will be allowed for
10 impeachment purposes.

11 BY MS. CLEMONS:

12 Q Okay, go ahead.

13 A She was point -- pointing here. She said he pulled
14 my pants up to here and my underwear.

15 Q Okay. And for the record you're pointing to your
16 knee?

17 A Yes, ma'am.

18 Q Okay. And so after she said that, what did you do
19 next?

20 A Then I ask her, did she -- did he touch her private
21 part? And she -- she was holding at me.

22 Q And so what did you observe [REDACTED] doing?

23 A Nodding her head.

24 Q In the affirmative or in the negative? Yes or no
25 was she nodding?

1 A Yes.

2 Q Okay. And then what happens?

3 A I was silent for a couple of minutes, I think. I
4 don't know for how long. But I can still hear my daughter
5 talking. It's just not registering on my brain at that point
6 because a lot of things are going like -- like when I heard
7 it, like, a lot of things is like making sense to me.

8 Q Okay.

9 A It's just that I felt bad that it's making sense
10 because of this thing happened, like, a bad thing happened.

11 Q So when you said a lot of things are making sense to
12 you, what do you mean by that?

13 A Because prior to that -- during that time, ma'am,
14 during -- before -- prior to me knowing what's going on and
15 before in New Jersey, I have that feeling -- I have that
16 feeling in me like something's not right.

17 Q Not right with you or not right with your kids?

18 A Not right with my daughter.

19 Q Okay.

20 A Because she used to be like -- like, she talks to me
21 a lot. Like, if -- after school, she will tell me story
22 about school. And then from -- from that time, she was --
23 she was like when I ask her a question, she was just, it's
24 okay, mom, I'm okay, mom. And then she doesn't tell me
25 stories anymore unless I approach you. And then a lot of

1 times she just tell me I'm okay, mom. Nothing happens.

2 Q So when she would say I'm okay, what kind of
3 question would you ask her where she would respond that way?

4 A Are you -- like, how's school (speaking foreign
5 language)? It's okay. And then before every time I ask her,
6 she will tell me story about her friend, about what happened
7 when she was in the bully -- like a bully buster -- what you
8 call?

9 Q In a what?

10 A Because she -- she's on a like a bully buster. It's
11 like a group in school.

12 Q Okay.

13 A It's like a bully buster in school. And then she
14 will tell me stories about what did they did that day. Like,
15 they talked to this kid, something like that.

16 Q Okay.

17 A She was open to me. And then suddenly, I don't know
18 the right term, but like -- like withdrawn.

19 Q Okay. When did that start, when her behavior
20 changed? Do you remember what grade she started becoming
21 more withdrawn or what age or anything?

22 A Around sixth grade.

23 Q Sixth grade? What about her grades in sixth grade,
24 what were they like?

25 A And that's one thing, too, ma'am, because they have

1 an infinite campus where we can check their grades. I look
2 in there, she has some incomplete works. She has like
3 assignments missing. She has like C grades, and I see D in
4 there, too. So I'm kind of worried because she used to be
5 like A or A/B student.

6 Q In fifth grade what kind of -- was she getting the
7 As and A/Bs or was it --

8 A Yes.

9 Q Okay. So you were concerned about the grades and
10 her being withdrawn; is that fair?

11 A Yes.

12 Q Okay So is that what you kind of mean when you said
13 once you found out what happened to [REDACTED] things kind of
14 made sense to you?

15 A Yes.

16 Q Go ahead.

17 A There was a time that I don't know the exact time,
18 but my husband told me that Kenny is close to my daughter.
19 And usually with Kenny and [REDACTED] (phonetic), they're close to
20 both of the kids.

21 Q And Kenny and [REDACTED] are [REDACTED] and [REDACTED] uncles,
22 right?

23 A Yes.

24 Q Okay. And they live with Amor's mom, Maria?

25 A Yes.

1 Q Okay. What about was there anything about [REDACTED]
2 being close to Kenny that concerned you or --

3 A No. The thing is that when she told Uncle Kenny,
4 I'm just -- because I'm just wondering, usually when they ask
5 my -- like, when they ask my daughter what she wants, they
6 will ask my son what he wants, too.

7 Q And who's they?

8 A Like Kenny or her -- his mom.

9 Q Okay.

10 A Like, if they -- like, on their birthdays, because
11 my daughter is September and my son is October.

12 Q Okay.

13 A My -- my mother-in-law will ask what do you -- what
14 gifts do you want? They will ask [REDACTED] and [REDACTED] as well.
15 And then Kenny, too, before he asked my daughter and my son
16 what they want as well, but then during those times, Kenny
17 calls my daughter and ask her what she wants.

18 Q And does he ask your son what he wants, too, or just
19 her?

20 A Just her.

21 Q Okay.

22 A That's why my son's like what about me?

23 Q Oh, okay, okay. So did that seem unusual?

24 A It just made sense when I found out through my
25 daughter. And then there's one time that my daughter told

1 me, too, that Uncle Kenny wants to call -- wants her -- like
2 don't text -- he -- he told my daughter don't text him but
3 call him instead.

4 Q Oh, okay. And so [REDACTED] has her own phone?

5 A Yes.

6 Q And so are they allowed to text and call friends and
7 stuff like that?

8 A Friends and family only.

9 Q Okay. Okay. So let's go back to after you talked
10 to [REDACTED] in September, what -- do you decide to tell your
11 husband at all? How does that go about?

12 A Like, after I found out?

13 Q Yeah, so after you -- so we're going back to you
14 found out because May told you what happened, and then you
15 talked to [REDACTED] and what do you do after you're done
16 talking to [REDACTED]

17 A I just lay down on the floor for -- I don't know for
18 how long and just stare on the ceiling.

19 Q Yeah.

20 A I -- I knew at that point that I have to report it.
21 I at that point that I'm mandated to report it. I just don't
22 know if I should tell my husband first or I should report it
23 at that time already. The -- the only -- the first thing
24 that pop out into my mind is call May again. And then I
25 called her. I told her it's my husband's older brother. And

1 then I ask her, do you know what's the number to call or
2 where to call? Because I know at my job if we found
3 something like this, we have a phone number that we call or
4 we do a social worker consult?

5 Q Okay. So are you and May trying to figure out how
6 you report it?

7 A Yes, because I know May works at psychiatric unit
8 before.

9 Q Okay.

10 A So she -- at that point, I just thought that she
11 probably know what number to call. 911 popped out in my
12 mind, but I know it's not emergent so I just called May.

13 Q Okay. And then do you decide to tell your husband
14 before you call the police?

15 A After that, when May -- because I hung up, and then
16 May called me back, and she said sis, because we call each
17 other sis for -- it's short for sister. Sis, this is the
18 number. And I ask her, sis, hold on first because I don't --
19 I'm not decided if I have to call them right then or then or
20 just call my husband yet.

21 Q Okay.

22 A Hold on first. I think I should tell my husband
23 first.

24 Q Okay. So how do you tell your husband? Do you call
25 him or do you have him meet you somewhere?

1 A He's at work that time.

2 Q Where does he work at?

3 A He works at North Vista Hospital.

4 Q Okay. And what does he do there?

5 A He's a nurse, too.

6 Q Okay. So what happens after you try to -- you
7 called him; is that what you said?

8 A I don't remember if I called him or I texted him.

9 Q Okay.

10 A But the only thing that I can -- because I'm worried
11 that he -- if I tell him by phone, then he will be driving,
12 and something might happen to him while he's driving.

13 Q Okay.

14 A I'm not -- I don't remember if I texted him or I
15 called him, but I told him that you need to come home. May
16 and -- and Anthony, the husband --

17 Q Yes.

18 A -- has an emergency thing that we need to -- that we
19 need -- that they need our help. So I ask him if he could
20 ask the charge nurse that time if he can come home because
21 it's really, really important. And then I'm not sure if he
22 texted me back or he called me back, but he said that it's
23 okay for -- they're not that busy so he can go home.

24 But -- I'm sorry, but prior to that, when I was
25 talking to May, because I told -- I asked May if we could

1 just go to their house and then call and report there? I was
2 worried because my mom and my step dad were there, and I
3 don't want them to find out yet.

4 Q And they were staying at your house?

5 A Yes.

6 Q Okay. So did you end up meeting your husband at
7 May's house?

8 A No, he went home and then we drove to May's house.

9 Q Oh, okay. And the relationship you have with May
10 and her husband, is it -- are you guys close enough that if
11 there was an emergency like that, that your husband would
12 come home for that?

13 A Yes, we're family friends. We -- we see each other
14 like two to three times a week in the church because we go to
15 the same church as well. And then like weekends or some
16 other days, sometimes they go to our house and then sometimes
17 we go to our house -- or we go to their house.

18 Q Okay. So when you get to May's house, what happens
19 next?

20 A We sat on their like -- because they have a kitchen,
21 and they have like a mini family room in there. And there's
22 like a couch. We sat there and then my husband is asking
23 what's -- what's going on? It's like he's already kind of
24 like upset because he found out that Anthony's not there.

25 Q Okay. So did he think something was up, maybe?

1 A Yes.

2 Q Okay.

3 A And then I told him what happened.

4 Q Okay. What was his reaction when you told him what
5 happened?

6 A He was -- he -- he wanted to go to his mom's house.
7 He wanted to call his mom. He was -- he -- I can't explain
8 it. I can't explain his emotions, but it's like too high
9 that he wanted to go -- he really, really want to go to the
10 house to confront the brother.

11 Q Okay. Did he go to the house or were you able to
12 talk him out of it?

13 A No, ma'am. I told him, I kind of push him back, and
14 then I told him that you are not going in there because if
15 something bad happen in there, then it will be -- can you go
16 to jail and it will be us who will suffer. We are not going
17 to do it this way. We are going to do it the right way. And
18 then that's the time that we called the -- I forgot -- I
19 forgot the number.

20 Q You called some type of police agency or something
21 that brought the police to the house eventually?

22 A Yes. Because we -- we called -- we called a number
23 that May got. It's like a CPI number.

24 Q Okay.

25 A And they said we have to report the North Las Vegas

1 Police because it happened in North Las Vegas.

2 Q Okay.

3 A So we called the North Las Vegas Police.

4 Q Okay. And so did an officer eventually at some
5 point come to May's house?

6 A Probably around 7:30 or 8:00.

7 Q In the morning?

8 A Yes.

9 Q Okay. So when you guys call the police, is it in
10 the middle of the night? Do you know what time it was maybe?

11 A I know when I texted my husband, it's like 3:00 to
12 4:00 o'clock in the morning, but we called them probably
13 three times or two times.

14 Q The police or the --

15 A The police.

16 Q -- number you called?

17 A Yes, the North Las Vegas, but they said it's not a
18 situation where they need to go there right away. And I'm --
19 I'm not sure if they said they're short or they're busy or
20 something, but I believe they waited until the next shift --
21 shift of -- I mean, the next shift came.

22 Q Okay. While you were waiting for the -- so you said
23 you call and you think like 3:00 or 4:00 in the morning, and
24 they didn't come until around 7:30 or 8:00? Does that sound
25 right?

1 A Yes.

2 Q Do you guys stay at May's house or do you go back
3 home?

4 A We're just lying at the couch quiet, and then my
5 husband just said if they're not coming yet -- initially, he
6 talked to me. He said if they're not coming yet, can we --
7 can you just -- can we go home because he wants to see his
8 daughter.

9 Q Okay.

10 A Can we go home and then just tell them to go to our
11 house? Just give us -- just give them the -- our address.

12 Q Okay.

13 A So we went home.

14 Q And when you were at home, did you talk to [REDACTED]
15 anymore about what had happened?

16 A No, ma'am. I was telling my husband not to talk to
17 my daughter first at that time I remember. I was telling her
18 -- I was telling him because he's too emotional at that
19 point. I was trying to calm him down first.

20 I went -- because they were -- they were sleeping
21 at the den, well, our rooms is in the third floor. And they
22 left on the den where there was -- there's, like a little
23 sofa.

24 Q Okay. And is they [REDACTED] and [REDACTED]

25 A And [REDACTED] yeah.

1 Q Okay.

2 A And then our room is -- master's bedroom is here.

3 So I pulled him inside the master's bedroom.

4 Q Who's he?

5 A My husband.

6 Q Okay.

7 A And, I believe, I went to the restroom and then the
8 next thing he -- the next thing I saw he's already hugging my
9 daughter.

10 Q Okay. So after you're at home, do you guys go back
11 to May's place or do you stay at home?

12 A I'm not sure already if I called or my husband
13 called. We checked if the police officers are there already,
14 and they said they're not in there yet. So my husband just
15 told me we're just going to go back to May's house.

16 Q When you back to May's house, did you guys go just
17 you and your husband or did the kids go, too?

18 A No, with the kids this time.

19 Q Okay. And then eventually did the police show up
20 and talk to you guys?

21 A Yes.

22 Q Yeah. And you fill out like a written statement?

23 A Yes.

24 Q Okay. Since this has all happened and been
25 reported, obviously, it's been about a little -- a year-and-

1 a-half, probably, now. How is [REDACTED] doing now?

2 A Because we -- we -- we had a preliminary hearing
3 around December.

4 Q Okay.

5 A At that point, we thought everything's done.
6 Everything is settled.

7 Q So can I -- let me just stop you real quick. Did
8 you guys try to after kind of the court system initially, did
9 you try to just forget about everything and move on as a
10 family?

11 A Yeah. I -- when we left the courthouse, when we got
12 home, me and my husband and my daughter talked. I told my
13 daughter that we will help her. She will forget everything
14 that happened. We put her on extensive therapy. We made her
15 busy. I -- I -- I was studying at that time, too, and I
16 stopped -- not stopped, but I held off some subjects at that
17 period of time. I just did some readings on how I can help
18 her. We just want her to forget. We -- we -- she went on
19 her therapy until she was cleared. We put her on activities.
20 We traveled, like, on places that she -- on places that she
21 wants to go. The whole year, ma'am, the whole year
22 everything that we did is for her to forget. We never talked
23 about it at home.

24 Q Okay. This year in school, she's in eighth grade,
25 right?

1 A Yes.

2 Q How have her grades been so far?

3 A Last quarter she just got accelerated on her reading
4 and math class. And a couple of months ago she just got
5 accepted at the BCH swim team.

6 Q Okay, great.

7 MS. CLEMONS: Court's indulgence. We'll pass the
8 witness, Your Honor.

9 THE COURT: Thank you. Cross.

10 CROSS-EXAMINATION

11 BY MR. LEE:

12 Q Ms. Flores, how are you?

13 A I'm good, sir.

14 Q When you said, you were talking about [REDACTED]
15 grades in the sixth grade.

16 A Um-h'm.

17 Q You said -- what were her grades like before the
18 sixth grade, do you remember?

19 A She gets an A/B award, sir.

20 Q A/B also?

21 A Yes. Oh, wait, on the sixth grade or fifth grade
22 you said?

23 Q Okay.

24 A I'm sorry.

25 THE COURT: He said before sixth grade.

1 BY MR. LEE:

2 Q Before sixth grade?

3 A Before sixth grade, yeah, fifth grade he got an
4 award for A/B.

5 Q For a fifth grade award, A/B, okay.

6 A Yes.

7 Q And when she was in the sixth grade, like is it like
8 a semester system or a quarter?

9 A It's quarterly system, sir.

10 Q Quarterly? So and the quarter, I guess, starts in
11 that September before, right? In 2014?

12 A '14, yes.

13 Q Okay. And how did she do in that quarter?

14 A The overall one or the -- like, the overall or it
15 was subject by subject? I mean, like because when you see on
16 the infinite campus, it will show in there what are
17 assignments and the tests. Each assignments and each tests
18 course will be there. And then it will say incomplete or
19 missing assignments. But then if you catch it up with the
20 other stuff and you total it out, I know that she has a C. I
21 know that she has B as well. But I think I remember she has
22 like B and Cs.

23 Q A B and C. And this would be in -- and forgive me,
24 it's been a while since I've been in school, but --

25 A Yeah.

1 Q -- it's like -- it's like four quarters, right?

2 A Yes.

3 Q And the first quarter will start in September, will
4 that be right, and end in December?

5 A Yes.

6 Q And in the second quarter would be like January to
7 like April, and then April to June; would that be correct?

8 A No, there's four quarters, sir.

9 Q Oh, there are four quarters in that -- in that nine
10 months?

11 A Yes.

12 Q Oh, okay. I've been away for a long time. So in
13 the grades, you said in the fifth grade she was getting like
14 As and Bs?

15 A A/B, sir.

16 Q A/B, and she got an award you said?

17 A Yes.

18 Q And then in the sixth grade in the first quarter,
19 just for clarification, how was that grade; do you recall?
20 Do you recall her grades?

21 A First quarter, I don't recall, sir.

22 Q You don't recall?

23 A Yeah.

24 Q How about the second quarter? Would the second
25 quarter be now in 2015?

1 A I'm sorry, I can't --

2 Q I mean, I'm not sure when the quarters begin.
3 When's the second quarter begin, do you remember? If you
4 remember. It's not --

5 A I don't remember those, yeah.

6 Q Okay, sure. And but what do you remember about her
7 grades in the second quarter? Were they the same?

8 A Second quarter, I think her -- not I think, but
9 probably her -- her first quarter are okay, and then the
10 second quart and third quarter those are the one that are
11 kind of like not --

12 Q Started to go lower?

13 A Yes. But see, sir, I monitor it, and I know if it's
14 going to fail, I e-mail -- there's one point that I e-mail
15 the teacher that if she can catch up with the other stuff,
16 and I help her. And there's one point that before that
17 quarter ended, I spoke to, I believe, that was her science
18 teacher and ask her if we can do like extra work so we can
19 pull her, like grade up.

20 Q You said you -- she had some incompletes; is that
21 correct?

22 A She has like incomplete. She has like not
23 submitted, like missing assignments.

24 Q Okay. Does -- do your children like games, computer
25 games?

1 A They did at some point because they see Kenny and
2 ██████ have all these games in their house.

3 Q Okay. And can you tell me what games that ██████
4 liked?

5 A I --

6 Q I should give you a better time frame, okay? In
7 like 2015, okay? Do you know what computer games she liked?

8 A Are you talking about the system or --

9 Q Well, just any game, device or --

10 A My daughter -- my son has a Game Boy, the DS.

11 Q The Game Boy? And what did ██████ have, your
12 daughter?

13 A And then my husband has an Xbox I.

14 Q X box, okay. So you play a lot of games at home
15 together?

16 A With my daughter? I don't play games.

17 Q Oh, you don't play games?

18 A No.

19 Q Does your husband play games?

20 A He does when he had a time. But he doesn't play
21 that much.

22 Q Play much. Does ██████ and -- play a lot of games
23 at home?

24 A I see her playing at times, but then when I said you
25 need to complete this, we talked to your teacher, and then

1 she will -- she will not -- she will not play games at that
2 point and then start doing her assignments, or unless Uncle
3 Kenny or Uncle ██████ gave -- gives them a game.

4 Q And do you know if they gave her a game in 2015 or
5 2014?

6 A Yes.

7 Q They do? And do you know what games they -- one of
8 them gave her?

9 A He gave her a Pokeman.

10 Q And "he" was that Uncle Kenneth or Uncle ██████

11 A Uncle Kenneth.

12 Q Uncle Kenneth. Okay. And does she like Pokeman
13 quite a bit?

14 A She did at some point.

15 Q She did at one time. Okay. Did she ever tell you
16 whether she likes school or not and when she was in the sixth
17 grade?

18 A Whether, I'm sorry?

19 Q Did she like school in the sixth grade?

20 A If she likes --

21 Q Did she ever tell you she liked it going to school?

22 A She did not tell me that she -- if she likes or did
23 not like school. But I observe her at that point because I'm
24 worried about what's -- about that she's withdrawn and --

25 Q Did she ever tell you that she thought in the sixth

1 grade school was boring to her?

2 A She did not tell me.

3 Q She didn't tell you that?

4 A No.

5 Q Okay. Okay. She would normally tell you about what
6 the school day is like before?

7 A Yes. Yes, sir.

8 Q And you said she -- and that's starting about --
9 when did she start not doing that? What year?

10 A On -- on sixth grade.

11 Q In the sixth grade?

12 A Yes.

13 Q Sixth grade?

14 A Um-h'm.

15 Q And when you usually ask -- when [REDACTED] was like in
16 the sixth grade, when you ask her a question, does she
17 usually answer you right away or she waits or a while and
18 think about what you say or does she -- is there any
19 hesitation when she answers your questions?

20 A I don't under --

21 Q Oh, yeah, just generally. You know, like I'm --

22 A Like, she will stop first and think before she
23 answers me?

24 Q Right. Does she stop and think before she answers
25 you?

1 A Sometimes. Sometimes not.

2 Q Sometimes not. Normally, does she stop and think
3 about it first before she answers you?

4 A Sometimes --

5 Q Okay.

6 A -- she does.

7 Q Okay. Now, do you know when your husband -- did you
8 go with your husband back to New Jersey in 2015?

9 A I'm sorry, sir?

10 Q Did you go back to New Jersey in 2015?

11 A We go to New Jersey a lot of times so we -- we -- we
12 did -- we did went back to New Jersey.

13 Q Okay. So you frequently go to New Jersey, right?

14 A Yes, my families are there.

15 Q Your family's there, right?

16 A Yes.

17 Q Do you remember when you went back to New Jersey
18 last?

19 A 2016, this year.

20 Q 2016 this year, huh?

21 A No, hold on. 2016, oh, January.

22 Q January of this year. And before then, when did you
23 go back to New Jersey, do you recall?

24 A July. The one in the picture.

25 Q In July?

1 A Yes.

2 Q Okay. July of 2015, right?

3 A Um-h'm.

4 Q Okay.

5 THE COURT: Is that a yes?

6 THE WITNESS: Yes, yes, I'm sorry.

7 THE COURT: Thank you.

8 BY MR. LEE:

9 Q Okay. You said your family was there? Did your
10 husband used to live in New Jersey, too, and you lived there?

11 A Yes.

12 Q Now, you indicated that it was your friend May that
13 first contacted you regarding what might have happened to
14 [REDACTED] is that correct?

15 A Yes. May Denina.

16 Q And do you remember when that was when she first
17 told you? What month and what year?

18 A The police report -- if the police is report -- they
19 took the police report, and it's the night --

20 Q All right.

21 A -- before that.

22 Q When you refer to the police report, you just kind
23 of remember the police report doesn't --

24 A I -- yes, I remember the police report and then it's
25 that -- the night before that morning after work.

1 Q Okay. Did [REDACTED] ever -- I mean, without talking
2 about what was actually said, did [REDACTED] -- did you ask
3 [REDACTED] why she waited until September to tell you?

4 A Yes. That night.

5 Q That night?

6 A Yes.

7 Q And what kind of relationship does your husband have
8 with your -- with his mother, do you know?

9 A It's good, sir. It's -- they're more intact at that
10 point because my husband goes to the house more often than
11 before.

12 Q Okay.

13 A And during those times I let him -- I let -- what's
14 happening is that -- because we live by Silverton Casino, and
15 his mom lives in North Las Vegas, and I work at the VA
16 Hospital, which is North Las Vegas as well. What they do is
17 they either drop me at work and then go to the mom's house or
18 they drop me at work, go home, and then before they pick me
19 up, they go to the mom's house and then pick me up.

20 Q Okay. So because you work in North Las Vegas, it's
21 convenient to drop you off at work and then for him to go
22 visit his mother; is that correct?

23 A At that point, too, sir, in our church, more of our
24 teachings are for parent's relationship -- building a
25 parent's relationship. They're more focused on like parent

1 relationship.

2 Q Okay. Your husband speaks Tagalog; is that correct?

3 A He -- he speaks Tagalog, yes.

4 Q Yes, okay. It's a Filipino -- I'm not familiar with
5 Filipino dialects, but that's a Filipino dialect; is that
6 correct?

7 A It's -- it's one of the Filipino -- it's a primary
8 -- that's the primary language, the Tagalog.

9 Q Okay. And was he born and raised in the
10 Philippines?

11 A He is.

12 Q Okay. And does he talk to his, is it mother, in
13 Tagalog or one of the Filipino dialects?

14 A When they're at home?

15 Q When they're at home?

16 A Yes. And mom cooks for him, too. Like, when he
17 comes in there, the mom will cook probably one, two or three
18 -- a lot of Filipino food for him.

19 Q Okay. And she would do the same with your children,
20 [REDACTED] and [REDACTED] Did she ever cook for her? She would
21 cook for her, the kids?

22 A My kids eat Filipino food. So when she cooks for my
23 husband, they eat -- they eat it, too.

24 Q Okay. All right. So you went to New Jersey in July
25 of 2015; is that correct?

1 A Yes, sir.

2 Q Okay. Do you recall when the last time you were at
3 Maria's home in 2015?

4 A Me, myself? No.

5 Q Do you ever go over there in 2015?

6 A Yes.

7 Q You did?

8 A Yes.

9 Q And when you go, you'd go with whom?

10 A With my husband and my two kids.

11 Q Husband and two kids, right? So in 2015, do you
12 remember before you went to New Jersey when's the last time
13 you were there?

14 A No, I don't remember, sir.

15 Q Don't remember, huh? Okay.

16 A I just remember her cooking in the kitchen.

17 Q And she also cooked for you; is that correct?

18 A See, she said that -- because she said that every
19 time my husband goes there, that's the only time that -- I
20 mean, that's like one of the time that she can cook Filipino
21 food.

22 Q Okay.

23 A Because, I believe, Kenny and [REDACTED] and the dad
24 doesn't eat some of the stuff that she cooks.

25 Q Do you know if they speak Tagalog, Kenneth and

1 [REDACTED] and Uncle -- I guess, the dad? Do they speak
2 Tagalog?

3 A Did they speak Tagalog?

4 Q Yeah, do you know if they speak Tagalog?

5 A They always speaks English when I'm in there.

6 Q Okay.

7 A But I don't know if they know how to speak Tagalog.

8 Q Okay.

9 MR. LEE: I don't have any -- pass the witness.

10 THE COURT: Redirect?

11 MS. CLEMONS: Just real quick, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. CLEMONS:

14 Q I think you said when your kids and your husband
15 would go to Grandma Maria's, you were usually at work; is
16 that right?

17 A Yes.

18 Q So was it more often than not that you were not at
19 Maria's house? Does that make sense?

20 A Like --

21 Q Let me -- that was a bad question. Did they -- did
22 your kids go to Grandma Maria's house without you most of the
23 time?

24 A Most of the time, yes, with my husband.

25 Q And since the police were contacted and all this

1 came out, have you or your kids been back to Grandma Maria's?

2 A No.

3 MS. CLEMONS: Nothing further, Your Honor.

4 MR. LEE: Nothing further.

5 THE COURT: Okay. Questions from the jury? We
6 have one. Need to write it out and give it to the Marshal.

7 (Pause in the proceedings)

8 THE COURT: Counsel approach.

9 (Off-record bench conference.)

10 THE COURT: All right. So ma'am, did your daughter
11 tell you where this event, the bad thing that she was telling
12 you about, happened? In Las Vegas? Did it happen in Las
13 Vegas or did she say it happened in New Jersey?

14 THE WITNESS: At grandma's house, which is in Las
15 Vegas.

16 THE COURT: Okay. So at grandma's house in Las
17 Vegas. All right. Any follow-up question from --

18 MS. CLEMONS: No.

19 THE COURT: -- the State?

20 MS. CLEMONS: Not from the State.

21 THE COURT: Follow up from --

22 MR. LEE: None.

23 THE COURT: -- defense?

24 MR. LEE: None, Your Honor.

25 THE COURT: And we'll mark that as the court

1 exhibit, first court exhibit. Thank you. Any other
2 questions from the jury? Seeing none, thank you very much
3 for your testimony, ma'am. You may call your next witness.

4 MR. STEPHENS: [REDACTED].

5 (Pause in the proceedings)

6 [REDACTED], STATE'S WITNESS, SWORN

7 THE CLERK: Okay, thank you. Have a seat. You're
8 going to have to state your name and spell it, okay?

9 THE WITNESS: Okay.

10 THE COURT: Tell us your name.

11 THE WITNESS: My name is [REDACTED]

12 THE COURT: And can you spell your name?

13 THE WITNESS: Yes. How to spell my name is

14 [REDACTED]

15 THE COURT: And your next name?

16 THE WITNESS: My next name is [REDACTED]

17 THE COURT: Can you spell that?

18 THE WITNESS: [REDACTED].

19 THE COURT: And what's your last name?

20 THE WITNESS: My last name is [REDACTED]

21 THE COURT: Can you spell that?

22 THE WITNESS: Yes. [REDACTED].

23 THE COURT: Thank you.

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DIRECT EXAMINATION

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BY MR. STEPHENS:

Q What do you normally go by? What name do you normally go by?

A [REDACTED]

Q [REDACTED] Do you want me to call you [REDACTED]

A Yes.

Q All right, I'll call you [REDACTED] [REDACTED] how old are you?

A Seven.

Q Seven years old? And what grade are you in?

A Second.

Q Second grade? Who's your teacher in second grade?

A Ms. Nutting (phonetic).

Q Ms. What?

A Ms. Ms. Nutting.

Q Ms. Nutting, okay. Do you like Ms. Nutting?

A Yes.

Q Is she nice?

A Yes.

Q What does she teach you?

A She teaches us math, writing and reading.

Q Do you like any one of those better than the other?

A Yes.

Q Which one do you like the best?

1 A Math.

2 Q Math?

3 A Yes.

4 Q Okay. You must be smart. When you came up to the
5 stand, you raised your hand and you said that you would
6 promise to tell the truth. Do you know the difference
7 between a truth and a lie?

8 A Yes.

9 Q Yeah? Okay. Tell me what a truth is.

10 A A truth is what you saw or felt or had it happen to
11 you.

12 Q Okay. And what's a lie?

13 A A lie is something that you made up.

14 Q Oh, okay. So for example, if I told you that my
15 shirt was purple, would I be telling a truth or a lie?

16 A A lie.

17 Q Why would that be a lie?

18 A Because your shirt is gray.

19 Q Gray? My jacket's gray, huh?

20 A Yes.

21 Q All right. And my shirt, what color is my shirt?

22 A White.

23 Q White. Okay. Very good. Will you promise to tell
24 the truth in here?

25 A Yes.

1 Q All right. I want to talk to you a little bit about
2 your family, okay?

3 A Okay.

4 Q All right. Who do you currently live with?

5 A My mom, dad, sister, grandma and grandpa.

6 Q Okay. What's the name of your mom?

7 A My mom's name is Janice.

8 Q What's your dad's name?

9 A Amor.

10 Q What's your sister's name?

11 A [REDACTED]

12 Q And then you also said that you live with a grandma
13 and a grandpa?

14 A Grandpa, yes.

15 Q All right. What's grandma's name?

16 A Grandma's name is Ruby (phonetic).

17 Q Ruby? And what about grandpa?

18 A Rico.

19 Q Rico. Okay. Do you know -- do you have another
20 grandma? A different grandma?

21 A Yes.

22 Q And what's her name?

23 A Grandma -- Grandma Alma (phonetic).

24 Q Grandma who?

25 A Grandma Alma.

1 Q Grandma Alma? Okay. And who is -- do you know --
2 is that your mom's mom or your dad's mom, if you know?

3 A I don't know.

4 Q Okay. Do you have a grandma that lives in Las
5 Vegas?

6 A Yes.

7 Q And what's her name?

8 A Grandma Ruby.

9 Q Okay. I should have known that. Very good. And
10 she lives with you, right?

11 A Yes.

12 Q Okay. Do you have another grandma besides Grandma
13 Ruby that lives in Las Vegas?

14 A I don't know.

15 Q Okay. Let me ask you this question; do you have a
16 Grandma Maria?

17 A Yes.

18 Q Okay. And do you know whose mom Grandma Maria is?
19 Is that your mom's mom or your dad's mom, if you know?

20 A It's not their mom's.

21 Q It's what, sorry?

22 A It's none -- it's none of their mom's.

23 Q It's not your mom's mom?

24 A No, it's not one of them -- it's not my dad's or
25 mom's mom.

1 Q Oh, okay. All right. Who lives with Grandma Maria?

2 A His son Kenny and his brother, [REDACTED]

3 Q Uncle Kenny and Uncle [REDACTED] All right. Do you
4 know does an Uncle Ray live with Grandma Maria?

5 A No.

6 Q No? Okay. What about a Grandpa Ray? Does he live
7 with Grandma Maria?

8 A No.

9 Q Okay. You don't know anyone Ray? You don't know
10 any Rays?

11 A No.

12 Q Okay. All right. Do you go over to Grandma Maria's
13 house?

14 A No.

15 Q No? Have you ever gone over to Grandma Maria's
16 house?

17 A Yes.

18 Q Yes? Was it a long time ago that you last went or
19 kind of a short time ago that you last went?

20 A A long time ago.

21 Q How did you go to Grandma Maria's house?

22 A By car.

23 Q By car? And who drove it? Hopefully not you.

24 A My dad. My dad.

25 Q Oh, okay, all right. So your dad drove you over

1 there?

2 A Yes.

3 Q And who went with you over to Grandma Maria's?

4 A My sister.

5 Q Anyone -- and your dad?

6 A Yes.

7 Q And anyone else?

8 A No.

9 Q All right. What do you do when you go to Grandma
10 Maria's house?

11 A Play rock paper scissors shoot and eat food.

12 Q So you eat food?

13 A Yes.

14 Q Okay. What kind of food do you eat?

15 A Biscuits.

16 Q Sorry, what?

17 A Biscuits and more food.

18 Q More food?

19 THE COURT: Biscuits or more food.

20 BY MS. CLEMONS:

21 Q Oh, biscuits or more food, okay. Is it good?

22 A Yes.

23 Q All right. And then you also you say you played --
24 what did you say you played over there?

25 A Rock, paper, scissors, shoot.

1 Q Or rock, papers, scissors, shoot. Is that the game
2 where you do a rock, paper, scissor and cover rocks and cut
3 paper?

4 A Yes.

5 Q Okay. All right. When you went over to Grandma
6 Maria's house, who was there the last time you went? Other
7 than your sister and your dad, who else was there?

8 A Uncle [REDACTED] and Uncle Kenny.

9 Q And was Grandma Maria there, too?

10 A Yes.

11 Q Okay. Would you ever play video games when you were
12 at Grandma Maria's house?

13 A No.

14 Q No? Would you ever -- do you have like a Game Boy
15 or a handheld computer game?

16 A Yes.

17 Q Would you ever play that over at Grandma Maria's?

18 A No.

19 Q No? All right. What about your sister, did she
20 ever play any computer games over at Grandma Maria's?

21 A No.

22 Q Does she have any Game Boys or hand computer games?

23 A She does.

24 Q Yeah? What does she have, if you know? Do you know
25 the type it is?

1 A Yes.

2 Q What type is it?

3 A Me and my sister share a Nintendo 3DS.

4 Q You share it?

5 A Yes.

6 Q Is it hard to share sometimes that?

7 A No.

8 Q No? You're nice? All right. When you go over to
9 Grandma Maria's house, where would you normally go?

10 A To Uncle [REDACTED] room.

11 Q Uncle [REDACTED] room? Okay. And who would be in
12 Uncle [REDACTED] room?

13 A Uncle [REDACTED] and sometimes Uncle Kenny.

14 Q Would your sister go back there sometimes, too?

15 A Yes.

16 Q What would Uncle [REDACTED] do in his room when you
17 were in there?

18 A He just plays games and sleeps.

19 Q Okay. What does he -- you say he plays games. Are
20 these like computer games or like board games?

21 A Computer games.

22 Q Okay. What would Uncle Kenny do when he went into
23 [REDACTED] room?

24 A Play games.

25 Q He would play games, computer games also?

1 A Yes.

2 Q When you were in the room with Kenny and [REDACTED]
3 what would you do?

4 A I would just play with my sister, rock, paper,
5 scissors, shoot.

6 Q So you'd play rock, paper, scissors, shoot?

7 A Yes.

8 Q Did you normally win those games?

9 A No.

10 Q No? Who usually won?

11 A My sister.

12 Q She's pretty good at that game?

13 A Yes.

14 Q All right. And so your sister would play rock,
15 paper, scissors with you also? Would she do anything else in
16 Uncle Kenny and -- or sorry, Uncle [REDACTED] room?

17 A Yes. Draw or write -- or write.

18 Q Okay. All right. Were there any times where Uncle
19 Kenny would wrestle with your sister?

20 A No.

21 Q No? Okay. Would Uncle Kenny ever tickle you or
22 your sister?

23 A Yes.

24 Q And how -- where would he tickle you? Let's start
25 with you. Where would he tickle you?

1 A On the bottom of the --

2 Q On the --

3 A -- armpits.

4 Q On the bottom of the armpits?

5 A Yes.

6 Q Okay. And where would he tickle your sister?

7 A The same thing.

8 Q Same thing, under the armpits?

9 A Yes.

10 Q Okay. Do you remember being in Uncle [REDACTED] room
11 and ever seeing [REDACTED] pants down?

12 A Yes.

13 Q I want to talk to you a little bit about that, okay?

14 A Okay.

15 Q All right. Were her pants -- do you remember where
16 her pants were when they were down? Were they all the way
17 off or were they just a little bit down?

18 A On her knees.

19 Q Her pants were down to the knees?

20 A Yes.

21 Q Okay. And what about her underwear, was her
22 underwear down also?

23 A Yes.

24 Q Were you able to see [REDACTED] bare body, then?

25 A Yes.

1 Q What part of her body were you able to see?

2 A Just the butt.

3 Q Just the butt?

4 A Yes.

5 Q Okay. And what do -- and I'm sorry I have to ask
6 you this. What does the butt do?

7 A Nothing.

8 Q Does it go pee or poo?

9 A Poo.

10 Q Okay. Sorry, I have to ask you all these really
11 dumb questions. I'm sorry. All righty. The -- when you saw
12 her pants and her underwear down, do you know how or who
13 pulled the underwear and pants down?

14 A Yes.

15 Q Who pulled them down?

16 A Uncle Kenny.

17 Q How did Uncle Kenny pull the pants down?

18 A Just put his hand down then grab her pants and
19 panty.

20 Q Okay. You say he grabbed her.

21 MR. STEPHENS: Is this microphone on?

22 THE COURT RECORDER: You can just turn it -- there's
23 a button on the top.

24 MR. STEPHENS: All right. Oh, there it is. Thank
25 you. I just want to make sure you can hear me.

1 THE COURT RECORDER: Um-hum.

2 BY MR. STEPHENS:

3 Q You say he grabs her pants. Did he grab the bottom
4 of her pants or the top of her pants?

5 A The top.

6 Q The top of her pants? And then he pulled them down
7 and -- sorry. He pulled them down with two hands or one
8 hand?

9 A Two hand -- one hand.

10 Q With one hand?

11 A Yes.

12 Q Okay. Was he able to pull the pants down with the
13 underwear or did he pull the pants down first and then the
14 underwear?

15 A The pants with the underwear.

16 Q Okay. So just one time he pulled everything down?

17 A Yes.

18 Q Okay. What were they doing -- what were they doing
19 when the underwear came down?

20 A Still tickling her.

21 Q He was still tickling her?

22 A Yes.

23 Q Okay. What did you do when you saw her pants were
24 down and he was tickling her? What did you do?

25 A My sister was kept on laughing so her laugh made me

1 laugh.

2 Q Okay. So you started laughing, too?

3 A Yeah.

4 Q Okay. Did you do anything after that?

5 A Yes.

6 Q What did you do?

7 A Went on Uncle Kenny's back.

8 Q You got on his back?

9 A Yes.

10 Q Was Uncle Kenny on the floor?

11 A Yes.

12 Q Was he standing, sitting, laying down or something
13 else on the floor?

14 A Kneeing.

15 Q He was kneeling?

16 A Yeah.

17 Q Okay. And what about your sister? What was she
18 doing on the floor? Was she kneeling, sitting, standing,
19 laying down?

20 A Laying down.

21 Q Okay. So how was it that you were able to get on
22 his back?

23 A Well --

24 Q Did you have to jump or --

25 A I just had to get on his back because she wasn't

1 moving.

2 Q Oh, okay. All right. Did you -- when the pants
3 were down, did you ever see --

4 MR. STEPHENS: Court's indulgence, Your Honor.

5 BY MR. STEPHENS:

6 Q Did you ever see Uncle Kenny touch her -- her butt
7 or anything?

8 A No.

9 Q Okay. Where was Uncle [REDACTED] at this time?

10 A In his room sleeping.

11 Q He was sleeping?

12 A Yes.

13 Q Okay. Were you guys trying to be quiet so he could
14 sleep?

15 A I -- I tried, but my sister and Uncle Kenny didn't.

16 Q They were being a little louder?

17 A Yes.

18 Q Okay, all right. Do you remember talking to a
19 detective about this incident?

20 A No, I don't remember.

21 Q You don't remember?

22 A Yes.

23 Q All right. Have you -- I'll strike that. After,
24 did Kenny eventually stop tickling your sister?

25 A Yes.

1 Q Okay. And what happened after he stopped. Let me
2 ask you this, what did [REDACTED] do after Kenny stopped?

3 A She -- she ran out, and then just went to me.

4 Q She went to you?

5 A Yes.

6 Q Where were you at?

7 A I was at the floor right next to Uncle [REDACTED]
8 bed.

9 Q Okay. Did she pull her pants up?

10 A No. It just went back up.

11 Q They just went back up?

12 A Yes.

13 Q Okay. Did you see -- did anyone pull them up? Did
14 Kenny pull them back up or anything?

15 A No.

16 Q No? Okay, all right. When your sister came over to
17 you, did she just talk to you a little bit?

18 A Yes.

19 Q All right.

20 MR. STEPHENS: Court's indulgence, Your Honor.
21 I'll pass the witness.

22 THE COURT: Cross.

23 CROSS-EXAMINATION

24 BY MR. LEE:

25 Q Hi [REDACTED] how are you?

1 A Good.

2 Q You said that Uncle [REDACTED] was sleeping at the
3 time?

4 A Yes.

5 Q How do you know that?

6 A When I just came in, he was -- he was fell asleep.

7 Q Oh. Was he inside the room, Uncle [REDACTED]

8 A Uncle [REDACTED] was in his room.

9 Q Oh, Uncle [REDACTED] was in his room, right?

10 A Yes.

11 Q And the time that you, when Uncle Kenneth was
12 tickling you, you never saw Uncle [REDACTED] in the room?

13 A He was still in the room.

14 Q He took -- I'm sorry?

15 A Uncle [REDACTED] was still in the room.

16 Q Oh, he's still in his room or --

17 A Yes.

18 Q -- in the room that you were in the computer room?

19 A He was still in his room.

20 Q He was in his own room, right? Did Uncle [REDACTED]
21 ever come into the computer room when you were there tickling
22 -- being tickled?

23 A His room is the computer room.

24 Q I'm sorry?

25 A His room is the computer room.

1 THE COURT: His room is the computer room is what
2 he said.

3 BY MR. LEE:

4 Q Oh, so Uncle -- when you say Uncle [REDACTED] room,
5 you're talking about the computer room; is that right?

6 A Yes.

7 Q Okay. I got it mixed up. Does Uncle [REDACTED] have
8 his own bedroom?

9 A Yes.

10 Q He has his own bedroom? And is that bedroom that
11 you're talking about is in the computer room; is that right?

12 A No.

13 Q No? He has another bedroom?

14 A Uncle Kenny?

15 Q Uncle [REDACTED]

16 A Uncle [REDACTED] doesn't have another room.

17 Q He doesn't have another room, okay. So [REDACTED] --
18 is Uncle [REDACTED] always in the computer room?

19 A Yes.

20 Q And when he's not sleeping, is he always on the
21 computer, do you know, when you've been there?

22 A He was still in the computer room.

23 Q Okay. Now, do you remember your Grandmother Maria
24 taking you out shopping one time?

25 A Yes.

1 Q You did? Do you know if she went and bought you
2 something when you went shopping?

3 A No.

4 Q You don't -- you don't know or you don't remember?

5 A No. I didn't get anything.

6 Q Okay. Okay. Do you remember your Grandmother Maria
7 taking you to Adventure Dome?

8 A What did you say?

9 Q Took you to Circus Circus? How's that?

10 A No.

11 Q No? Okay. When you said Uncle Kenneth pulled your
12 sister's pants down, did you -- what did you do afterwards?
13 Did you go outside or did you stay in the room?

14 A I -- I went outside and then told my dad what
15 happened.

16 Q Okay. You went outside and told your dad. And did
17 you tell your dad what happened?

18 A Yes.

19 Q Okay. And was he sitting outside in the living
20 room?

21 A Yes.

22 Q Was he with anybody?

23 A Yes.

24 Q And who was he with?

25 A Grandma Maria.

1 Q Grandma Maria. And when you went out to the living
2 room to tell them what happened, did they say anything to
3 you?

4 A Yes.

5 Q What did they say?

6 A I forgot what they said to me.

7 Q I'm sorry?

8 A I forgot that what they said to me.

9 Q I forgot --

10 THE COURT: What they said to me.

11 THE WITNESS: What they said to me.

12 BY MR. LEE:

13 Q Oh, you forgot what they said to you, okay. Maybe I
14 need the earphones. Okay. Did your dad take you home after
15 that? After that -- after you told him -- told your
16 grandmother or tell your dad what happened?

17 A Yes.

18 Q Did your dad -- your dad took you home, right?

19 A Yes.

20 Q And did he drive home?

21 A Yes.

22 Q Yes, okay. Do you sometimes -- now, when you go to
23 Grandma Maria's house, do you sometimes drop your mommy at
24 work?

25 A Yes.

1 Q You do?

2 A Yeah.

3 Q And then you go to Grandma Maria's afterwards?

4 A Yes.

5 Q Does Grandma Maria like to cook for you?

6 A Yes.

7 Q Okay. Okay. Do you tell her what you want to eat
8 or she just knows?

9 A She just cooks --

10 Q Okay.

11 A -- anything.

12 Q Do you like your Uncle [REDACTED]

13 A Yes.

14 Q Okay. And why do you like Uncle [REDACTED]

15 A He always would help me and always play with me.

16 Q He helps you? And do you like your Uncle Kenneth?

17 A No.

18 Q No? And how come you don't like Uncle Kenneth?

19 A He -- he always doesn't do anything with me.

20 Q Because I'm sorry?

21 THE COURT: He always doesn't do anything with me.

22 BY MR. LEE:

23 Q Oh, okay. So it's Uncle [REDACTED] that does things
24 with you, right?

25 A Yes.

1 Q He does things more?

2 A Yes.

3 Q Okay. Okay. Do you like to jump on your uncles
4 when you go over there?

5 A No.

6 Q You don't? Oh. When you jumped on Uncle Kenneth
7 that time, did you jump on him right away or how did you jump
8 on him?

9 A I didn't jump on him. I just went on him.

10 THE COURT: He didn't jump on him. He just went on
11 him.

12 BY MR. LEE:

13 Q Oh, you went on him, right?

14 A Yeah.

15 Q Like, do you climb on him like a tree?

16 A Yes.

17 Q Okay. So do you do that often with Uncle Kenneth?

18 A No.

19 Q No? And why did you climb on him that time?

20 A Because he was tickling my sister then.

21 Q Okay. And you said, just to make sure, last
22 question, then you can -- just one last question. And you
23 said Uncle [REDACTED] was sleeping at that time, right?

24 A Yes.

25 Q Okay. And he was sleeping in the same computer room

1 that big --

2 A Yes.

3 Q Okay. And was there a bed in that room, do you
4 remember?

5 A Yes.

6 Q Okay. Is that where Uncle [REDACTED] was sleeping on
7 the bed?

8 A Yes.

9 Q Okay.

10 MR. LEE: I don't have any further questions.

11 THE COURT: Redirect?

12 MR. STEPHENS: Yes, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. STEPHENS:

15 Q Is Uncle Kenny in the court today?

16 A No.

17 Q You don't see Uncle Kenny in this room?

18 A Yes.

19 Q You do see him or you do not see him?

20 A I don't.

21 Q Okay. When you climbed on Uncle Kenny, were you
22 doing this out of like -- let me ask you this, how did you
23 climb on Uncle Kenny? Were you on his back? Were you on his
24 legs? Were you on the front? On the side?

25 A I was on the back.

1 Q Okay. All right. And did you put -- tell me how
2 you did that? Did you put your -- where did you put your
3 hands first to climb on Uncle Kenny?

4 A On his shoulders.

5 Q And did you just pull yourself up a little bit?

6 A Yes.

7 Q Okay. Were you doing this because you thought it
8 would be fun or for some other reason?

9 A For some other reason.

10 Q Okay. What reason was that?

11 A My sister couldn't breathe and he was tickling my
12 sister a lot.

13 Q Okay. All right. And so were you trying to help
14 her?

15 A Yes.

16 Q Okay. You said that you didn't like Uncle Kenny
17 much because he didn't do stuff with you; do you remember
18 that?

19 A Yes.

20 Q Okay. Did Uncle Kenny do more stuff with your
21 sister?

22 A Yes.

23 Q Do you remember what type of stuff he would do with
24 your sister?

25 A I don't remember.

1 Q Don't remember?

2 A Yes.

3 Q Okay. You also said that after the incident where
4 Uncle Kenny pulled down [REDACTED] pants, you said you went
5 out and told your dad. Do you remember that?

6 A Yes.

7 Q Okay. Do you remember what it is that you told your
8 dad?

9 A No, I don't remember.

10 Q All right. Do you remember whether your dad -- what
11 your dad did after you told him?

12 A Yes.

13 Q What did your dad after?

14 A He talked to me.

15 Q All right. Did he talk to you about what had
16 happened or what did he talk to you about?

17 A He talked to me what happened.

18 Q Okay. All right.

19 MR. STEPHENS: I'll pass the witness.

20 THE COURT: Thank you. Recross?

21 RECCROSS-EXAMINATION

22 BY MR. LEE:

23 Q Just one -- a couple other questions. Before you
24 came here, did anybody tell you what to say?

25 A What did you say?

1 Q Before you came here today to court today, did
2 anybody tell you what to say?

3 A Yes.

4 Q Yes?

5 A Yes.

6 Q And who told you what to say?

7 A My mom said -- my mom said to answer correctly and
8 don't make up stories.

9 Q And don't make up stories, right? Okay. Answer
10 correct and don't make up stories. Anybody else tell you
11 what to say?

12 A Yes.

13 Q And who else was that?

14 A My dad said to be brave.

15 Q I'm sorry?

16 A My --

17 THE COURT: He said to be brave.

18 BY MR. LEE:

19 Q Oh, to be brave, okay. Do you feel nervous now?

20 A No.

21 Q No? You feel brave?

22 A Yes.

23 Q Okay. All right.

24 MR. LEE: I don't have any further questions.

25 MR. STEPHENS: Nor do I, Your Honor.

1 THE COURT: Thank you. Questions from the jury?
2 Seeing none, can this young man be excused?

3 MS. CLEMONS: Yes, Your Honor.

4 MR. LEE: Yes.

5 THE COURT: Thank you very much for your testimony.

6 THE WITNESS: Thank you.

7 THE MARSHAL: Stand up here. Can I take this back
8 from you (taking microphone)?

9 THE WITNESS: Okay.

10 THE MARSHAL: Okay. Give me your hand, it's a big
11 step.

12 THE COURT: All right. Approach regarding
13 scheduling.

14 (Off-record bench conference.)

15 THE COURT: Ladies and gentlemen, we're going to
16 take an afternoon recess now because the next -- we've got
17 another witness coming in that will be a little longer,
18 perhaps, and so this is a good time to take a break since
19 we've been at it almost two hours now.

20 So ladies and gentlemen, we're going to take a
21 15-minute break. During this recess, it is your duty not to
22 converse among yourselves or with anyone else on any subject
23 connected with the trial or to read, watch or listen to any
24 report of or commentary on the trial by any person connected
25 with the trial or by any medium of information, including

1 without limitation, newspaper, television, radio or Internet.
2 You are not to form or express an opinion on any subject
3 connected with this case until it's finally submitted to you.
4 And of course, don't do any research or investigation on your
5 own. Thank you.

6 THE MARSHAL: All rise for the jury, please.

7 (Outside the presence of the jury)

8 THE COURT: And the record will reflect that the
9 jury has departed the courtroom. Any matters outside the
10 presence?

11 MS. CLEMONS: None from the State.

12 MR. LEE: None from the defense, Your Honor.

13 THE COURT: Thank you. All right, we'll be in
14 recess.

15 MS. CLEMONS: Your Honor, can I (indiscernible)?

16 THE COURT: Sure.

17 (Off-record bench conference)

18 (Court recessed at 3:25 p.m. until 3:41 p.m.)

19 THE MARSHAL: All rise for the jury, please.

20 (In the presence of the jury)

21 THE MARSHAL: Your Honor, all members of the jury
22 and both alternates are present.

23 THE COURT: Thank you. Please be seated. And the
24 record will reflect that we are back within the presence of
25 all 12 members of the jury as well as the two alternates.

1 Defendant is present with his counsel. Chief deputy district
2 attorneys prosecuting the case are present as are all
3 officers of the court. You may call your next witness.

4 MR. STEPHENS: State calls Amor Flores.

5 AMOR FLORES, STATE'S WITNESS, SWORN

6 THE CLERK: Thank you. Please be seated. Please
7 state and spell your name for the record.

8 THE WITNESS: My -- my first name is Amor Antonio.
9 My last name is Flores.

10 MR. STEPHENS: Does he need to spell them?

11 THE COURT: Yes, you do. Thank you.

12 THE WITNESS: My first name is A-m-o-r,
13 A-n-t-o-n-i-o. Last name is Flores, F-l-o-r-e-s.

14 MR. STEPHENS: Thank you.

15 DIRECT EXAMINATION

16 BY MR. STEPHENS:

17 Q Mr. Flores, how are you employed?

18 A I work as a trauma and emergency nurse at the St.
19 Rose Delima Hospital.

20 Q How long have you been working there?

21 A I started there April, but I used to work at North
22 Vista Hospital before.

23 Q And what part of town is North vista Hospital in?

24 A North vista is at North Las Vegas, sir.

25 Q Okay. And you said you started working at St. Rose

1 Delima in April of this year?

2 A Yes, sir, this April.

3 Q Okay. Then back in June of 2015, what shift were
4 you working at North Vista Hospital?

5 A I worked nights, sir.

6 Q Generally what hours were those?

7 A 7:00 at night to 7:00 in the morning. 7:30 in the
8 morning.

9 Q All right. In June of 2015, who were you living
10 with?

11 A I live with my -- with my wife, my two kids, my
12 mother-in-law. I have a three-floor house. My mother-in-law
13 and -- and her boyfriend lives down on the first floor.

14 Q Okay. What's the name of your wife?

15 A My wife's Janice Flores.

16 Q And what about your two children?

17 A [REDACTED] and [REDACTED].

18 Q How old is [REDACTED] currently?

19 A Currently, she's 13.

20 Q And what about [REDACTED]

21 A Eight years old.

22 Q I know you said you also lived with a -- your wife's
23 mom and her boyfriend?

24 A Yes.

25 Q All right. What were their names or are their

1 names?

2 A (Indecipherable) and (Indecipherable). My wife --
3 my -- my mother's -- my mother-in-law's boyfriend doesn't
4 live with us anymore. He's visiting now, but he -- he lives
5 in Jersey now.

6 Q Okay. But in June of 2015, he was living with you?

7 A Yes.

8 Q Okay. All right. Do you have any other relatives
9 that live in Las Vegas?

10 A My mother, her kids, and my aunt and my cousins.

11 Q All right. Let's talk about your mom for a minute.
12 What's your mom's name?

13 A Her name is Maria Franks.

14 Q Maria Franks, okay. Is she married?

15 A Yes she is married.

16 Q To whom?

17 A To Raymond Franks.

18 Q And you said that she lives with her kids?

19 A Yes.

20 Q And who are they?

21 A Kenneth Franks and [REDACTED].

22 Q Now, is Raymond Franks your father?

23 A No. He's --

24 Q So [REDACTED] and Kenneth are half brothers?

25 A Half brothers, yes.

1 Q Is Kenneth Franks present in the courtroom today.

2 THE WITNESS: Yes, he is.

3 BY MS. CLEMONS:

4 Q Can you point to him and describe something he's
5 wearing?

6 A He's right there.

7 Q Can you describe what color tie does he have on?

8 A He's wearing, I think, that's blue or violet.

9 Q Okay. Is the one further to the -- to your right?

10 A Right, yes.

11 Q Okay.

12 A Right next to the Asian gentleman right there.

13 Q All right.

14 MR. STEPHENS: Your Honor, will the record reflect
15 identification?

16 THE COURT: It will.

17 MR. STEPHENS: Thank you.

18 BY MR. STEPHENS:

19 Q Where were Maria and her family, where were they
20 living in June of 2015?

21 A As Nobility Avenue, 2812 Nobility Avenue, North Las
22 Vegas.

23 Q North Las Vegas. Was that far from the North Vista
24 Hospital?

25 A It's five minutes away.

1 Q Did you visit your mom very often around June of
2 2015?

3 A We I think few occasions, several times, yes.

4 Q Okay. Who would generally go with you when you
5 would visit your mother?

6 A My kids. My --

7 Q [REDACTED] and --

8 A [REDACTED] and -- and [REDACTED]

9 Q When would you go over to your mother's house?

10 A Whenever I'm -- I'm off. Whenever I'm off at work.
11 And, yeah, we usually go when I'm off, and then if I drop my
12 wife to work and then we -- we stop by at my mom's.

13 Q All right. What would you do at your mother's
14 residence when you stopped by?

15 A I usually visit my mom. I talk to my mom. She
16 cooks for us, and I stay -- most of the time I stay with my
17 mom.

18 Q What part of the home would you generally spend most
19 of your time?

20 A If my mom is taking a rest, we usually -- we're --
21 we usually stay at the living room because my mom sleeps
22 there. That's where she sleeps.

23 Q She sleeps in the living room?

24 A Yes.

25 Q Okay. Where does Raymond, [REDACTED] and Kenneth

1 sleep?

2 A As far as I know, Kenneth, he sleeps in his room,
3 and probably I think [REDACTED] -- no, [REDACTED] sleeps in the
4 master's bedroom, which is the game room that they have.

5 Q Okay. All right. That was back in June of 2015 --

6 A That was back in June --

7 Q -- he slept there?

8 A But that's -- that's what I know that time.

9 Q Okay.

10 A Because we don't really spend that much time there.
11 Probably, when we go there, we -- we go like a couple hours,
12 that's it. Few hours.

13 Q Okay. In -- let's just use June as a general time
14 frame.

15 A Um-h'm.

16 Q In June of 2015, about how many times do you think
17 you went over to the house?

18 A Probably two -- two, three times, probably.

19 Q So --

20 A Not.

21 Q -- every week or every other week or so, something
22 like that?

23 A Something like that, yes.

24 Q All right. And then we didn't talk about where
25 Raymond. Did he have his own room?

1 A He has a room. It's the -- it's the room close to
2 the living room.

3 Q Close to the living room. And I believe, you said
4 Raymond's room, it's called a -- or was called a computer
5 room?

6 A No. Raymond's room is --

7 Q Oh, sorry, I apologize. I meant [REDACTED] I
8 apologize.

9 A Yes.

10 Q Thank you for catching me. If I say anything wrong,
11 please correct me. All right. Let me show you a couple
12 pictures here.

13 MR. STEPHENS: Your Honor, these have previously
14 been admitted. May I publish them.

15 THE COURT: Yes.

16 MR. STEPHENS: Thank you.

17 BY MR. STEPHENS:

18 Q All right. I'm showing you Exhibit A. All right.
19 What are we looking at here?

20 A That's the master's bedroom. It looks different
21 from the last time I saw it.

22 Q Okay. When was the last time you saw the room?

23 A I believe, last time I saw it was after our trip in
24 New Jersey.

25 Q Okay.

1 A We went there for like, one time after, after our
2 trip. Probably for like an hour because we didn't stay long
3 because my mom's not there.

4 Q Okay. Okay. So after -- when did you take your
5 trip to New Jersey, if you -- I mean, do you know what month?

6 A I believe, end of -- end of June, as far as I know.

7 Q Okay.

8 A I know we were there like July. First week or
9 second week July we were there.

10 Q Okay All right. And then you said sometime after
11 the New Jersey trip, you went over to your mother's house
12 once --

13 A Um-h'm.

14 Q -- for a short period of time?

15 A Yes.

16 Q And that was the last time you've been over there?

17 A That's the last time, yes.

18 Q Okay. So your testimony is, is that this picture
19 here, Exhibit A, looks different than the way you remembered
20 it --

21 A Yes.

22 Q -- back in the last time you visited in --

23 A Yes, sir.

24 Q -- 2015. Okay. Tell me and you can point on the
25 screen. Feel free to touch it, it will show up on the

1 screen.

2 A Um-h'm.

3 Q What things are different here?

4 A The bed, it's not usually there.

5 Q Okay. How --

6 A That --

7 Q -- is the positioned when you --

8 A The bed is --

9 Q -- last saw it?

10 A -- positioned -- it's positioned in the wall. Like
11 the head of the bed is in -- in the wall, which is covered
12 right now in this area.

13 Q Okay. It's covered by the --

14 A By the -- I think this is the wall.

15 Q The wall, okay.

16 A On the left side.

17 Q Let me show you -- sorry, I didn't mean to interrupt
18 you. Let me show you Exhibit C, though. Can you see the
19 wall --

20 A Yes.

21 Q -- in which the bed was located against?

22 A Yes.

23 Q Where was the wall --

24 A Actually --

25 Q -- back in -- or sorry, the bed in 2015?

1 A The -- the wall -- the one I'm talking about is
2 where the cabinet and the computer. That is where the head
3 of the bed is located. And the computer -- and the computer
4 is front of the bed, like across -- across the hall. The --
5 close to the bathroom.

6 Q Okay.

7 A And then this cabinet is usually -- the last time I
8 saw this -- the last time I saw this -- the last time I saw
9 this cabinet on the right, the one -- the one under by the --
10 the painting was on this wall right here on the left side.

11 Q Okay.

12 A And then this head of the bed is on this side. This
13 computer's not here. It's -- it's across --

14 Q Directly across from the --

15 A Directly across from the --

16 Q -- foot of the bed?

17 A -- that -- this wall.

18 Q Okay. All right. So the only thing along this wall
19 would have been the head of the bed?

20 A Head of the bed, yes.

21 Q Okay. Let me go back then to Exhibit A. So you said
22 that this bed was over against the other wall.

23 A Um-h'm.

24 Q What about anything else? Was anything else
25 positioned differently?

1 A This right here, this cabinet right here.

2 Q Okay.

3 A This cabinet is also on this side of the bed, that's
4 the last time I saw --

5 Q Okay.

6 A -- this cabinet there because I know the -- there's
7 clothings there and -- and some other stuff.

8 Q Okay. And what about this -- or sorry, it looks
9 like a TV here --

10 A TV, yeah.

11 Q -- in this little cabinet.

12 A It's still in the same place.

13 Q Okay. So the other -- let me go back, sorry, real
14 quick. I just want to make sure I'm clear. On Exhibit C,
15 this computer desk --

16 A Um-h'm.

17 Q -- on Exhibit A where would that have been?

18 A It's in here.

19 Q Okay.

20 A Where -- where that dark cabinet is.

21 Q Okay. And maybe it will show up better on Exhibit
22 B.

23 A Um-h'm.

24 Q On Exhibit B, would you be able to point to where
25 that computer desk would have been?

1 A It should be here in this area. This is not -- this
2 is not -- this -- this one -- this dark cabinet is not there
3 before. It's -- was on this side.

4 Q Okay. All right. Fair enough. Thank you for that.
5 Okay. So when you were at your mom's house, generally
6 speaking, you'd be with your mom in the living room --

7 A Living room or --

8 Q -- wherever it was?

9 A -- kitchen, yeah.

10 Q Okay. Where would your kids generally go?

11 A Usually, they -- they play with your uncles. They
12 usually play with their uncles in the game room.

13 Q Okay. That would have been Uncle Kenneth and Uncle

14 [REDACTED]

15 A The game room, the master's bedroom.

16 Q Okay. This same room we were just looking at?

17 A Yes, yes.

18 Q And when they went in there, do you know what types
19 of things they would play in that room?

20 A They -- it's either they played the computer or they
21 play -- they play the -- the computer system, which is plug
22 on the TV.

23 Q Okay.

24 A Or they play -- they play their handhelds, the cell
25 phone or -- or their Game Boy.

1 Q Okay. All right. Do your children own a Game Boy
2 or a handheld?

3 A Yes.

4 Q What do they own, if you know?

5 A My -- my daughter has a cell phone, and -- and they
6 also have a Game Boy 3DS.

7 Q Okay. All right. I want to -- while you were at
8 the -- at your mom's house, any time prior to the New Jersey
9 trip, okay?

10 A Um-h'm.

11 Q Did anything come to your attention while you were
12 at grandma -- or sorry, your mother's house that caused you
13 concern?

14 A Yeah. They -- I kind of noticed that the door -- a
15 couple times I saw the door, it was locked.

16 Q Which door?

17 A The -- the door in the master's bedroom, the game
18 room.

19 Q So the game room would -- has a lock on it?

20 A Yes. They -- there's a knob. There's a lock.

21 Q Okay.

22 A It's locked when they're playing inside.

23 Q All right. And so that seemed unusual to you?

24 A Yes, because usually the door -- that door is open.
25 And my mom, one rule in the house, my mom doesn't like the

1 doors locked.

2 Q Is there any master bathroom in that --

3 A Yes, there's a master bathroom there.

4 Q Who would be allowed to or who did use the master
5 bathroom?

6 A Anybody can use the master's -- or the bathroom
7 there.

8 Q Okay. Now, if the master bedroom door is locked, is
9 there another bathroom that --

10 A Yes.

11 Q -- people would use?

12 A There's another bathroom.

13 Q All right. Anything else unusual when you were at
14 your mother's house?

15 A Yeah. There's -- there's some points -- there's
16 some instances that where my daughter -- before, you know,
17 when we -- when we go there, they go straight directly to the
18 game room.

19 Q Okay.

20 A And there are a couple times that I saw, I noticed
21 that my daughter, that stays with us. She stays in the
22 living room with us, which is kind of unusual.

23 Q Okay.

24 A And then -- and then there's this particular time
25 that when we were leaving, I saw my daughter crying, but she

1 wouldn't tell me why -- why -- why -- what -- what the reason
2 is why she crying. She wouldn't tell me.

3 Q Okay.

4 A And then -- and then when -- let me just go back to
5 that point where she -- she stays in -- stays with us.
6 There's one -- because my daughter, she mentioned to me --
7 there's one point that she mentioned to me that her uncle,
8 she pull -- she pull her, which I saw. She's like she grab
9 her -- grabbing her, pulling her to the room. I thought they
10 were just horseplaying.

11 Q Okay. Sorry, let me make sure I understand that.
12 So who was pulling your daughter?

13 A Kenneth.

14 Q Okay. And where was he pulling her to?

15 A Pulling her back to the living -- to the master's
16 bedroom.

17 Q And you thought that that was horseplaying?

18 A Yeah, I thought that was horseplaying.

19 Q Okay.

20 A And my daughter's refusing to go to the master's
21 bedroom, to the game room.

22 Q Okay. The time where you said there was a time when
23 you were leaving the -- your mother's residence and your
24 daughter was crying.

25 A Yes.

1 Q Was that before or after the New Jersey trip?

2 A Before New Jersey.

3 Q Do you know --

4 A I think --

5 Q -- how much early?

6 A I think that was -- I think was the last time we
7 went there before they went shopping with my mom.

8 Q Okay. At --

9 A That was summer.

10 Q It was during --

11 A That was summer.

12 Q -- the summer?

13 A Yes, I remember that.

14 Q Okay. And then you said that at some point they
15 went shopping with your mom?

16 A Yes, they went shopping.

17 Q All right. Do you remember where they went
18 shopping? Or let me ask you this, did you go with them
19 shopping?

20 A No, because I have to work.

21 Q Okay. Did your kids come home with any --

22 A Yes.

23 Q -- sort of items?

24 A My -- my mom bought them a bag, and she bought my
25 daughter a bag, and she bought my son a shoe, and according

1 to my -- my kids, they went --

2 Q You can't tell me what your kids said, though.

3 A Okay.

4 Q Yeah. All right. So they went shopping, and that
5 was just before you went on your New Jersey trip?

6 A Yes.

7 Q Okay. Now, you said you weren't able to go shopping
8 with them. Do you recall whether or not you dropped them at
9 your mom's house or did you drop them off at the store?

10 A No, my -- my mom pick them up and drop them off.

11 Q Okay. So they picked them up at your house?

12 A Um-h'm.

13 Q And then dropped them off at your house?

14 A Um-h'm.

15 Q And do you know who went --

16 THE COURT: Is that yes? You've got to answer
17 audibly, okay?

18 THE WITNESS: Oh, I'm sorry, ma'am.

19 THE COURT: That's okay.

20 THE WITNESS: Yeah, my mom picked them up and then
21 dropped them off --

22 BY MR. STEPHENS:

23 Q Okay.

24 A -- at our house.

25 Q Do you know who went shopping with your kids and

1 your mom? If you don't know, that's fine.

2 A No, the -- the kids were telling me that they --
3 they went with my mom and their uncle was there, too. Uncle
4 Kenneth.

5 Q All right. I want to draw your attention to early
6 September.

7 A Um-h'm.

8 Q Okay? Were you still -- September of 2015. Were
9 you still working at North Vista Hospital --

10 A Yes, I was still --

11 Q -- at this time?

12 A -- working at North vista.

13 Q In early September of 2015, did you get a phone call
14 from your wife?

15 A Yes, I did.

16 Q Based upon that phone call, what did you do?

17 A She was --

18 Q You can't tell me what she said.

19 A Okay.

20 Q But what did you do based upon that phone call?

21 A Well, I was at work. I think that was around --
22 around 2:00 or 3:00 o'clock in the morning, and I was
23 working. I had to -- I have to excuse myself to leave early
24 to my manager on duty.

25 Q Okay.

1 A Because -- yeah.

2 Q Okay. And were you able to talk to your manager
3 into letting you leave a little early?

4 A Yes. We were not that busy that night, so I was --
5 I was granted to go home early.

6 Q Again, without telling me what your wife actually
7 said, did you know why you were heading home?

8 A Yes. We were going to go to my friend's house.

9 Q Which friend? Does that friend have a name?

10 A Yes, May Denina. May and Anthony Denina.

11 Q And how do you know May and Antonio?

12 A They are -- we've been friends and we -- we go to
13 the same church for the last 13, 14 years now.

14 Q Okay. Based upon your conversation with your wife,
15 did you feel like you needed to get home as soon as possible?
16 Was it an emergency type situation?

17 A I was told it's very important that I need to go
18 home.

19 Q All right. Okay. So did you go -- where did you go
20 after you got that phone call?

21 A I -- after I talked to my manager, I went straight
22 home. I picked up my wife and then we went straight to the
23 Denina's family -- Denina family's house.

24 Q How close are you guys in distance?

25 A It's still far.

1 Q A few minutes?

2 A It's still a good 20, 25 minutes drive from Blue
3 Diamond to -- to -- close to Sunset Breeze Park --

4 Q Okay.

5 A -- on Durango.

6 Q Okay. When you got home -- or sorry, not home.
7 When you got to the Denina residence --

8 A Yes.

9 Q -- what happened?

10 A First, they let me sit on a chair, and they ask me
11 -- my wife ask me if I knew that -- if I noticed any --
12 anything strange happening when -- when we visit at my mom's
13 house? I said, no. And then they told me that my daughter
14 -- that my daughter talked to the Denina kids, that she's
15 being touched inappropriately by her uncle.

16 Q Okay. When you heard that, what kind of thoughts or
17 emotions came to you?

18 A I was furious. To tell you honestly, I was furious.
19 I was really mad.

20 Q What did you want to do at that time?

21 A I want to go to my mom's house. I want to go to my
22 mom's house.

23 Q To do what?

24 A I don't know. Anything could happen.

25 Q Okay. Did you go to your mom's house at that time?

1 A No.

2 Q Why not?

3 A Because my wife wouldn't let me go.

4 Q What happened after you got that information and
5 determined that you would not go over to your mother's house?

6 A I'm sorry?

7 Q I'm sorry, that was actually a terrible question.
8 What did you do after this -- after you learned this
9 information?

10 A What did I do?

11 Q Yeah.

12 A Well --

13 Q Did you contact anyone?

14 A No. We -- we called the police. My wife told me to
15 -- that we -- we go through process. I cannot do anything
16 stupid. That I -- that could jeopardize my license as a --
17 as a nurse. That could jeopardize my -- our livelihood. So
18 we're going to go through the process. We're going to call
19 the police. We're going to bring it -- we're going to --
20 we're going to take it in that way.

21 Q Okay. So you -- someone contacted the police?

22 A Yes.

23 Q Did the police respond to the Denina residence or to
24 the Flores residence?

25 A To the Denina's residence.

1 Q Did they immediately arrive after --

2 A No.

3 Q -- the phone call?

4 A No.

5 Q Do you know why it took them a while to respond?

6 A They told us -- the police -- the one on the phone
7 told us that it's almost shift change so they have to -- we
8 have to wait for the next shift. That's what -- that's what
9 happened.

10 Q So after the phone -- the police phone call, what
11 did do you?

12 A I'm sorry, sir?

13 Q What did you do after the phone call to the police?
14 What did you do?

15 A Since we know that we're going to wait for a while,
16 we went home. We went home to get the kids.

17 Q Do you know about what time it was when you arrive
18 back home at your residence?

19 A Around -- probably around 6:00 o'clock, 6:30 in the
20 morning.

21 Q Prior to that time, had you spoken to either one of
22 your children about this?

23 A When we -- when we went home, I -- I woke up my
24 daughter.

25 Q She was still sleeping?

1 A Yeah, she was still sleeping.

2 Q Do you recall where she was sleeping?

3 A She was sleeping in her room.

4 Q And you woke her up?

5 A Yeah.

6 Q And you -- what did you do at that time?

7 A I asked her what happened, if it's real? If it's
8 true.

9 Q And was she able to confirm the story that you heard
10 from both May and your wife?

11 A Yeah.

12 Q How did you feel at that time?

13 A I was mad. I was heartbroken, you know. Knowing
14 that my own brother did that, you know? People that I -- I
15 trust. People that I -- you know, if something happened to
16 me, people that I would entrust my family would do that to
17 me. Would do that to my daughter.

18 Q When your daughter was speaking to you, describe her
19 demeanor for us.

20 A She was sad.

21 Q Was she crying?

22 A A little bit, yeah. She was tearful.

23 Q Tearful, okay.

24 A Yeah.

25 Q How long of a conversation did you have with her?

1 A Just brief. I -- I couldn't take the -- I just -- I
2 just listened to small parts because -- because I was really
3 mad that time. And I couldn't listen because -- I couldn't
4 listen to the whole -- to the whole -- to the whole thing
5 that happened.

6 Q After she told you that story, what did you do?

7 A We -- we got them ready. We back to the Deninas
8 family.

9 Q Okay.

10 A The Denina's house.

11 Q Okay. And who went with you to the Denina
12 residence?

13 A My wife and two kids, [REDACTED] and [REDACTED].

14 Q When you went back to the Denina residence, were the
15 police already there?

16 A No. We still waited.

17 Q You still waited a little longer?

18 A Yes.

19 Q Okay. Where did the kids wait?

20 A They -- they were upstairs playing with the Denina
21 siblings, Denina's kids.

22 Q Eventually, did the police arrive?

23 A Yes. I think probably around 8:00 o'clock. 8:00
24 o'clock or 9:00, somewhere there.

25 Q Did you speak to the police at that time?

1 A Yes.

2 MR. STEPHENS: Court's indulgence. Your Honor,
3 I'll pass the witness.

4 THE COURT: Cross.

5 CROSS-EXAMINATION

6 BY MR. LEE:

7 Q Are you ready to start?

8 A I'm sorry, sir?

9 Q Are you ready?

10 A Yeah, I'm ready, sir.

11 Q Let me go back to back in June of 2015. You
12 indicated that you went to visit your mom a couple times, two
13 times in June 2015; is that correct?

14 A Couple times, yeah. About two, three times.

15 Q Two or three times? Was that in the beginning of
16 June or was that in the middle of June? Do you remember
17 when?

18 A I don't remember, sir. If I knew that's happening,
19 I would keep a diary.

20 Q I'm sorry?

21 A I would keep a -- I would keeping track of what's
22 happening.

23 Q Okay. In June, you said you went there two times.
24 The first, was it two days in a row or do you recall?

25 A I don't recall.

1 Q Can't recall, okay. Do you recall going over there
2 -- I know you don't know the date -- but at a time when
3 something happened between you and your son?

4 A I'm sorry, sir, can you please repeat?

5 Q Yeah. Do you recall a time that when you went there
6 sometime in June that something happened to [REDACTED] -- between
7 you and [REDACTED] Did [REDACTED] do something wrong?

8 A About [REDACTED] sir?

9 Q I'm talking about [REDACTED] Did [REDACTED] and you get
10 into a little controversy what you were at --

11 A What controversy, sir? I don't --

12 Q If you don't know -- if you say there was none?

13 A I -- I just want to ask what controversy? That's my
14 son.

15 Q Okay. So nothing happened between you and your son
16 in your visit in the middle -- in June sometime?

17 A I don't -- I don't know what you're talking about,
18 sir.

19 Q Okay. That's fine. Now, you said another time you
20 went there, your mom came over and picked up the kids; is
21 that correct, when they went shopping?

22 A They went shopping, they -- my mom picked them up.

23 Q Picked them up. And you -- did you -- I'm sorry?

24 THE COURT: Somebody just coughed.

25 MR. LEE: Oh, I'm sorry.

1 BY MR. LEE:

2 Q Did you -- after they went shopping, did you pick
3 them up or did your mom bring the kids back home?

4 A She brought them home.

5 Q She brought them home, okay.

6 A She brought them -- she bought them back to my
7 house.

8 Q Okay. And you said your mom bought a bag for each
9 of the kids?

10 A Just for my daughter.

11 Q Just for your daughter? And bought some --

12 A No, I think -- I think she did bought for the both
13 of them.

14 Q Both of them, right? And bought a pair of shoes for
15 your son; is that correct?

16 A Yes.

17 Q Okay. And when you came -- after they came back,
18 did the kids seem happy to go --

19 A I wasn't home, sir. I was at work.

20 Q Oh, you were at work? Did you ever ask them if they
21 had a good time going shopping with your mom?

22 A When I went home, sir, they're at school, and I was
23 -- and I slept the whole day.

24 Q You slept the whole day, okay. Do you recall -- did
25 you ever make a call to your mom --

1 A I don't remember.

2 Q I hadn't finished the question. Did you ever
3 remember to -- you making a call and telling your mom that
4 your children had a good time shopping?

5 A No, sir, I don't remember.

6 Q Now, when you were at the house in June of 2015, did
7 [REDACTED] ever come up to you or talk to you while you were
8 there in June of 2015 about something happening?

9 A No, sir.

10 Q Okay. Did [REDACTED] ever come up to you in June of
11 2015, tell you something had happened in the game room?

12 A No, sir.

13 Q Okay. And like you indicated, when they went
14 shopping, it was your mom that took the kids home, to your
15 home?

16 A Yes.

17 Q Okay. And the other time that you visit in June, do
18 you know if you took the kids home or your mom brought them
19 home?

20 A When I take them there, when I go there, I -- I take
21 them home myself. I don't leave my kids there in that house.

22 Q Okay. And you're the one that usually --

23 A Yes.

24 Q -- picks them up and --

25 A When I go there, I stay with them there in the

1 house.

2 Q Okay.

3 A And then when I leave, they go with me.

4 Q Okay. Have you -- in 2015, [REDACTED] was in the sixth
5 grade, in the first part; is that correct?

6 A I'm sorry, sir?

7 Q In 2015, was [REDACTED] in the sixth grade?

8 A 2015 of what, sir? Which part of 2015?

9 Q In the first part of 2015, was she --

10 A First part of 2015, you mean to say like January,
11 February?

12 Q Yes.

13 A Yes, sir, she's sixth grade.

14 Q And when did she start seventh grade?

15 A Seventh grade, that was August of 2015.

16 Q Okay. Now, your daughter currently has your old
17 phone, your cell phone; is that correct?

18 A That time it was my old phone, but it's a different
19 number.

20 Q Okay. I mean currently, your daughter has your old
21 cell phone; is that correct?

22 A Yes.

23 Q Okay. And in 2015 -- in the summer of 2015, she had
24 her own phone; is that correct?

25 A And that's also my old phone, sir.

1 Q Oh, that's also your old phone? Okay. And in all
2 of 2015, did she always have a cell phone?

3 A Yes, sir.

4 Q Okay. How about 2014?

5 A 2014? I don't remember when I gave that phone to
6 her.

7 Q Okay. And before this -- before you went back to
8 your mom's house in 2015, after you came back from New
9 Jersey, did your daughter ever tell you about any incident
10 that occurred at -- while she was at the grandmother's house?

11 A She didn't tell me anything, but she went to talk to
12 her friends at -- at church.

13 Q Okay. Okay. You were shown a couple pictures
14 before, and you indicated that -- do you know who uses this
15 computer that I'm pointing to?

16 A It's either [REDACTED] or Kenny.

17 Q Either [REDACTED] or Kenny? Is this [REDACTED] bedroom
18 or not?

19 A That's a master's bedroom, sir.

20 Q Master bedroom. Okay.

21 A Yeah.

22 Q It's not -- it's not used for a sleeping room, do
23 you know?

24 A Well, [REDACTED] still sleeps there, even though it's
25 the master's bedroom and game room.

1 Q Okay. Does [REDACTED] always play in that game room,
2 do you know every time --

3 A Yeah, [REDACTED] and Kenneth plays in that room.

4 Q Okay. And so you said this computer was moved to
5 some other place, right, the last time you remember?

6 A That -- when that -- this computer is not here
7 before.

8 Q Okay. And you said this bed is facing the wrong
9 way, right?

10 A Yes.

11 Q You said the head of it is up this way and it came
12 down and that dresser wasn't there; is that correct?

13 A Yes, sir, correct.

14 Q Okay. And you said this computer was always here;
15 is that correct?

16 A No, sir.

17 Q No?

18 A That's -- that's -- like what I mentioned earlier,
19 the TV, where the TV right now, it's been there, never
20 changed position.

21 Q So it moved up to here?

22 A The computer is here and the TV's there. It's in
23 the same position, sir.

24 Q Same position, okay. Do you recall any time when
25 [REDACTED] came up to you and told you something had happened to

1 his sister in June of 2015?

2 A My -- my -- my son never mentioned anything to me,
3 sir.

4 Q Okay. Did the Franks family, before 2015, did they
5 -- would they go over to your house to visit? If you
6 remember.

7 A Before 2015, sir?

8 Q In like January to June of 2015, did they come over
9 and visit you at your house?

10 A My Uncle Ray, he just dropped in to pick up his
11 kids, that's it.

12 Q Okay. Uncle Ray, right?

13 A Yes.

14 Q That's -- that's Maria's husband?

15 A Yes.

16 Q Okay.

17 A Just one time.

18 Q One time, right? Do they -- in 2014, do the -- did
19 the Franks family go over to your house very much?

20 A No, sir.

21 Q No?

22 MR. LEE: I don't have any further questions, Your
23 Honor.

24 THE COURT: Redirect?

25 MR. STEPHENS: I do.

1 REDIRECT EXAMINATION

2 BY MR. STEPHENS:

3 Q After your New Jersey trip, did you continue to
4 attend church?

5 A Yes, sir.

6 Q And do your -- are your kids involved in any
7 activities --

8 A Yes.

9 Q -- in the church? After your New Jersey trip, what
10 types of things were your kids involved in the church?11 A They have this like weekend kids stuff. Like, they
12 dance, they -- they teach them about -- they have like Bible
13 study, something like that.14 Q Okay. And did you attend this activity or this
15 event with your children?16 A During the -- during -- yes. There is an activity.
17 We have the Sunday Thanksgiving, I believe, that was a Sunday
18 Thanksgiving, and the kids have a practice of their dance --

19 Q Oh, okay.

20 A -- at the same time.

21 Q And so did you attend the practice?

22 A I was there, sir. I was there.

23 Q Okay. During that practice, was your attention
24 taken to your daughter at some point during that practice?

25 A They were -- our church has two separate area. One

1 where we -- because that day it was -- we have -- we have
2 Thanksgiving, too, and then the kids are in the other side
3 where they -- they practice, sir.

4 Q Okay.

5 A So I can -- I can see them, yes.

6 Q Okay. And at some point, were you made aware of
7 your daughter crying?

8 A Yes, sir. The Denina's siblings, the -- I believe
9 the second -- [REDACTED] and the youngest one came up to me
10 telling me that my daughter is crying in the back.

11 Q Did you go over?

12 A Yes, sir, I did.

13 Q And did you talk to your daughter at that time?

14 A I talked to my daughter. I was asking her what the
15 problem is, but she wouldn't tell me.

16 Q All right. And you mentioned something about
17 Thanksgiving. Was this around Thanksgiving time?

18 A No, it's -- because in -- in our church we have
19 Thanksgiving every week.

20 Q Oh, okay.

21 A It's like a church Thanksgiving.

22 Q Okay. Well, then let me ask you this.

23 A Yes, sir.

24 Q When you saw your daughter crying at the church, was
25 this before or after you got the phone call from your wife to

1 come home?

2 A That was before, sir. That was before I got the
3 phone call from my wife.

4 Q And then also, to be even more specific, was it --
5 where your daughter was crying at the church, was that before
6 or after the New Jersey trip?

7 A That was after the New Jersey trip, sir.

8 Q But before the phone call from your wife?

9 A Before the phone call my wife. It's in between
10 those two events.

11 Q Okay.

12 MR. STEPHENS: I'll pass the witness, Your Honor.

13 THE COURT: Recross?

14 MR. LEE: Just one or two questions.

15 RECCROSS-EXAMINATION

16 BY MR. LEE:

17 Q Has [REDACTED] ever indicated whether he likes his Uncle

18 [REDACTED]

19 A I'm sorry, sir?

20 Q Has [REDACTED] ever said whether he likes his Uncle

21 [REDACTED]

22 MR. STEPHENS: Objection, Your Honor. Hearsay.

23 MR. LEE: I'm sorry, what was the objection?

24 MR. STEPHENS: Hearsay.

25 THE COURT: Sustained.

1 MR. LEE: All right. I tried that earlier.

2 BY MR. LEE:

3 Q Okay. Do you know if [REDACTED] likes to play with

4 [REDACTED]

5 A He plays with both of them, sir.

6 Q Plays with both of them, okay. And --

7 MR. LEE: I don't have any further questions, then.

8 Thank you.

9 MR. STEPHENS: Nor do I, Your Honor.

10 THE COURT: Questions from the jury? Nope, I see
11 none. I have one question.

12 THE WITNESS: Yes, ma'am.

13 THE COURT: What was the -- what was the
14 relationship you had with your mother?

15 THE WITNESS: With my mother?

16 THE COURT: Can you describe what kind of
17 relationship you had with her?

18 THE WITNESS: My relationship with my mother,
19 ma'am, I didn't -- I didn't grow up with my mom. I grew up
20 back in the Philippines with my grandmother. I tried to --
21 it's not -- it's okay. I go there visit my mom. I love
22 talking to my mom. And also -- and also, she enjoys talking
23 to me, and she is -- she's happy when -- when I go there
24 because that's a time that she can eat Filipino food because
25 her -- her sons, they doesn't enjoy the same things that she

1 enjoys, and that's why -- and she enjoys it with me. That's
2 why I try to visit my mom whenever I can.

3 THE COURT: Questions as a result of my questions?

4 MR. STEPHENS: No, Your Honor.

5 THE COURT: Mr. Lee.

6 FURTHER RECROSS-EXAMINATION

7 BY MR. LEE:

8 Q In 2015, you said you had a good -- you would visit
9 your mother? Did you ever -- in 2015, did you go there to
10 ever borrow money from her?

11 MR. STEPHENS: Objection, Your Honor. Relevance.

12 MR. LEE: Well --

13 THE COURT: Well, approach and maybe --

14 MR. LEE: Okay. Let's --

15 (Off-record bench conference.)

16 THE COURT: All right. The objection's overruled,
17 although, you probably need to restate the question since he
18 probably doesn't remember what it is.

19 MR. LEE: Okay.

20 BY MR. LEE:

21 Q Did you ever go to your mother's house to ask to
22 borrow any money?

23 A Even I don't borrow money, my mom gives me money.

24 And there's times that --

25 Q That's not my question.

1 A -- I -- I give my money, too.

2 Q That's not my question. My question was did you go
3 to your mom's house or go ask your mom to borrow money?

4 A I think I did, too. But even though I'm not
5 borrowing money, my mom also gives me money.

6 Q Okay.

7 MR. LEE: No other questions.

8 THE WITNESS: I don't see -- nothing, sir.

9 MR. STEPHENS: Can I follow up with that?

10 THE COURT: Sure.

11 MR. STEPHENS: All right.

12 BY MR. STEPHENS:

13 Q Okay. I just want to make sure that I understood
14 what happened there. So there were times where you would ask
15 your mother for money?

16 A I did once, probably.

17 Q Okay.

18 A But sometimes my mom doesn't -- I don't even ask for
19 money. She gives -- she hands me money.

20 Q Okay.

21 A And then when we leave, she even packs us groceries.

22 Q Okay. So your mom would help you out sometimes
23 without being asked?

24 A Yeah.

25 Q And at one time you did ask for --

1 A Some --

2 Q -- some money?

3 A Yeah, one time I did -- I think I did ask for. But
4 I don't know what's the relevance between my mom helping me
5 out and what he did to my daughter.

6 Q Well, let me ask you more questions. When was it
7 that you asked for some money? Do you remember the month?

8 A I don't even remember. I think probably when --
9 when I had my surgery because I didn't -- I didn't work. But
10 that was long time ago, 2012 -- 2011, 2012.

11 Q Okay. When did you first start -- you mentioned you
12 were living in the Philippines for a while.

13 A Um-h'm.

14 Q And then at some point you started rekindling or
15 building a relationship with your mom. When did that start?

16 A When did that start?

17 Q Yeah, when did you kind of first have regular
18 contact with your mom?

19 A 2008.

20 Q In 2008?

21 A Yeah.

22 Q Okay. And then you said that maybe sometime in 2012
23 is when you asked your mom for some money while you were not
24 able to work?

25 A Yeah.

1 Q Do you still love your mom?

2 A I love my mom very much. Love her very much.

3 MR. STEPHENS: I'll pass the witness.

4 MR. LEE: I have no questions, Your Honor.

5 THE COURT: Anything from the jury? We do have one
6 question from the jury. Counsel approach.

7 (Off-record bench conference.)

8 THE COURT: So Mr. Flores --

9 THE WITNESS: Yes, ma'am.

10 THE COURT: -- before the New Jersey visit, when
11 you described that Uncle Kenny was pulling your daughter into
12 the master bedroom, was she resisting trying not to go in?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Okay. And was that why you thought it
15 was horseplay?

16 THE WITNESS: I thought they were just
17 horseplaying.

18 THE COURT: And -- okay. And thank you. I guess,
19 that answers the question. Thank you. That will be marked
20 next in order. All right. Any follow-up as a result of the
21 jury's question?

22 MR. STEPHENS: Not from the State.

23 MR. LEE: None, Your Honor.

24 THE COURT: May this witness be excused now?

25 MR. STEPHENS: Yes.

1 MS. CLEMONS: Yes.

2 THE COURT: Thank you very much --

3 THE WITNESS: Thank you, ma'am.

4 THE COURT: -- for your testimony, sir.

5 THE WITNESS: Thank you very much.

6 MR. STEPHENS: State calls Officer Harris.

7 THE COURT: Officer Harris.

8 OFFICER MICHAEL HARRIS STATE'S WITNESS, SWORN

9 THE CLERK: Thank you. Please be seated. Please
10 state and spell your name for the record.

11 THE WITNESS: My name is Michael Harris,
12 M-i-c-h-a-e-l, H-a-r-r-i-s.

13 MR. STEPHENS: Thank you.

14 DIRECT EXAMINATION

15 BY MR. STEPHENS:

16 Q Officer Harris, how are you employed?

17 A I'm employed with the City of North Las Vegas as a
18 police officer.

19 Q How long have you been employed with North Las Vegas
20 Police Department?

21 A With North Las Vegas for just about 14 years.

22 Q Prior to joining Las Vegas Police -- or North Las
23 Vegas Police, did you do any other law enforcement work?

24 A Yes. I was with the Clark County School District
25 Police Department for about two-and-a-half years before that.

1 Q Where are you currently assigned within the North
2 Las Vegas Police Department?

3 A I'm currently with the North -- or the Southern
4 Desert Regional Police Academy.

5 Q And what do you do there?

6 A I'm a TAC officer, which is a trainer, advisor,
7 counselor. I train the new recruits coming in, basically
8 showing them the way, and teach them how to become the newest
9 police officers that are coming out to the road.

10 Q What do you -- prior to becoming a TAC officer,
11 training, advising, counseling officer, what did you do
12 before that within the North Las Vegas Police Department?

13 A I started off as a patrolman. I was at -- I did
14 patrol work for about two years, two-and-a-half -- or with
15 North Las Vegas for about two years. From there I went to
16 the traffic bureau. I was with the traffic bureau for about
17 four years. After leaving the traffic bureau, I moved over
18 to SWAT. I was a SWAT officer for six years, around about
19 six years. As a SWAT officer being I did undercover
20 operations, I was the lead sniper. When I left, I was a
21 breacher, did training for SWAT team, high risk warrant
22 service, all those sorts of things like you'd see on TV kind
23 of thing.

24 Q So with all that experience, you're now teaching and
25 training newer officers?

1 A That is correct, yes.

2 Q What were you doing within the North Las Vegas
3 Police Department in September of 2015?

4 A I had recently left SWAT and was back on patrol as a
5 patrol officer.

6 Q Did you receive a call out on September 6th of 2015?

7 A Yes, sir, I did.

8 Q Were you riding or were you working with anyone that
9 day?

10 A Yes. I was a -- a training officer and I had my
11 trainee with me. I was a field training officer, which
12 basically once they leave the police academy, they come to a
13 field training officer, and they get shown how -- they
14 basically get the opportunity to put all the things that they
15 were -- they learned in the police academy into play under
16 the eye of a training officer until they're released to go
17 work on their own.

18 Q Okay. This call out, did you arrive at an Emerald
19 Beach address?

20 A Yes, sir, I did.

21 Q And who was living at the at the -- or who was at, I
22 guess, the Emerald Beach address?

23 A I'm trying to recall the name.

24 Q Was it various individuals?

25 A It was various individuals, yes.

1 Q And let me -- let me just give you a list of some
2 names. You tell me if you spoke to these individuals.

3 A Okay.

4 Q Did you speak to a May Denina?

5 A Yes, I did.

6 Q Did you speak to a Janice Flores?

7 A Yes, I did.

8 Q Did you speak to an Amor Flores?

9 A Yes, I did.

10 Q All right. Anyone else that you can recall off the
11 top of your head that you spoke to?

12 A No one else that I spoke to other than formalities
13 of hello or something like that. Those are the only three
14 people that I spoke in depth to.

15 Q Okay. Generally speaking, after speaking to Ms.
16 Denina, Ms. Flores and Mr. Flores, what type of situation
17 were you being called out to?

18 A I was dispatched to a sexual assault. 426 is -- was
19 the police code that we're dispatched to. Upon arriving to
20 the call and conducting interview, we didn't on the surface
21 find it to be the same thing that we were dispatched to.
22 Just based on the -- on the interview that we did with the --
23 with the subject that you were just talking about.

24 Q Based upon your interviews, what did you do with the
25 information you discovered there?

1 A We took a general report. We spoke to the three
2 adults whose names just mentioned, and then that was it. We
3 submitted that report to the detective bureau for the
4 detective bureau to follow up on it.

5 Q Do you know whether or not a detective was ever
6 assigned to the case?

7 A I believe Detective Hoyt was assigned the case. As
8 far as what happened to it after that, I didn't do any follow
9 up to see what happened after that.

10 Q And do you know what division Detective Hoyt was
11 working in June of -- or sorry, in September of 2015?

12 A He was doing sex crimes. I don't know his exact --
13 what exactly his title was other than detective. But I know
14 he was working sex crimes in the detective bureau.

15 Q And do you know whether or not -- well, let me ask
16 you this question first. Did you ever learn of the name of
17 the alleged victim after speaking to the three adults?

18 A I did learn the name. If you give just a moment I
19 can think of it.

20 Q All right. I know it's been a while.

21 A Yes, it's been just a bit. Oh, my goodness. I
22 apologize, the name has escaped me right now. I don't -- I
23 don't have a copy of my report in front of me.

24 Q All right. Would it refresh your recollection to
25 refer to your report?

1 A That would be wonderful, if you've got a copy. That
2 would be great.

3 Q Yeah. Refer to page 2. All right. I'll just refer
4 your attention to page 2.

5 A [REDACTED].

6 Q Does that refresh your recollection?

7 A Yes. Yes, it does.

8 Q All right. And who was the named -- alleged victim
9 after speaking to the adults?

10 A [REDACTED] was the -- was the alleged victim.

11 Q All right. Now, did you speak to [REDACTED]
12 while you were at the Denina -- at the Emerald Beach address?

13 A I did not, no.

14 Q Why not?

15 A Because our policy and procedures state that we are
16 not to interview children who are her age. 17 years old is
17 -- is as low as we're allowed to go as far as interviews.
18 Anything below 17 is to be referred to the detective bureau.

19 Q And is that because those detectives generally have
20 a little bit more training to interact with the children?

21 A That is correct, yes.

22 Q Is the -- let me ask you this, sorry. Is -- did you
23 -- were you able to learn of where these incidents occurred
24 at?

25 A Yes. They occurred in the City of North Las Vegas,

1 which is why we were called because the Emerald Beach address
2 was actually out of our jurisdiction in Las Vegas Metro's
3 jurisdiction, and that was the reason for us being called.

4 Q I see. So you actually left your jurisdiction to go
5 to the Denina residence because the alleged crimes had
6 occurred in North Las Vegas?

7 A That's correct, yes, yes.

8 Q Okay. And would the residence of where those crimes
9 had allegedly occurred, was that 2812 Nobility?

10 A Yes, that's correct. And that's right in the area
11 of Lake Mead and Clayton, which is in North Las Vegas.

12 Q And is that in Clark County, Nevada?

13 A Yes, it is.

14 MR. STEPHENS: I'll pass the witness.

15 THE COURT: Cross.

16 MR. LEE: No questions, Your Honor.

17 THE COURT: Any questions from the jury? And
18 seeing none, may this witness be excused?

19 MS. CLEMONS: Yes.

20 MR. LEE: Yes, Your Honor.

21 THE COURT: Thank you very much for your testimony,
22 Officer.

23 THE WITNESS: Thank you. Court.

24 MS. CLEMONS: Your Honor, at this point, our next
25 witness would be pretty lengthy. So this might be a good

1 time to take an afternoon recess or evening recess.

2 THE COURT: Well, we'll be -- well, we're done for
3 the day because it's --

4 MS. CLEMONS: Yeah.

5 THE COURT: -- 20 minutes to 5:00.

6 MS. CLEMONS: Right.

7 THE COURT: All right. And so we'll be resuming on
8 Monday. Why don't you approach for scheduling.

9 (Off-record bench conference.)

10 THE COURT: Sorry. Ladies and gentlemen, we're
11 going to take overnight recess and we're going to start on
12 Monday at 1:30. I have a long calendar, 27 pages on Monday
13 morning. So, 1:30. But we may complete the State's
14 witnesses on -- in the afternoon on Monday, if possible.

15 So, ladies and gentlemen, during this overnight
16 recess or over the weekend recess, I should say, it is your
17 duty not to converse among yourselves or with anyone else on
18 any subject connected with the trial or to read, watch or
19 listen to any report of the trial or any commentary on the
20 trial by any person connected with it or by any medium of
21 information, including without limitation, newspaper,
22 television, radio or Internet. You are not to form or
23 express an opinion on any subject connected with this case
24 until it's finally submitted to you.

25 And of course, no research, no investigation, no